

CITY OF NEWPORT BEACH
PLANNING COMMISSION STAFF REPORT
March 22, 2012 Meeting
Agenda Item 4

SUBJECT: Newport Banning Ranch - (PA2008-114)
5200 West Coast Highway

- Environmental Impact Report No. ER2009-002
- General Plan Amendment No. GP2008-008
- Code Amendment No. CA2008-004
- Planned Community Development Plan No. PC2008-002
- Master Development Plan No. MP2008-001
- Tentative Tract Map No. NT2008-003
- Development Agreement No. DA2008-003
- Affordable Housing Implementation Plan No. AH2008-001
- Traffic Study No. TS2008-002

APPLICANT: Newport Banning Ranch, LLC

PLANNER: Patrick J. Alford, Planning Manager
palford@newportbeachca.gov

PROJECT SUMMARY

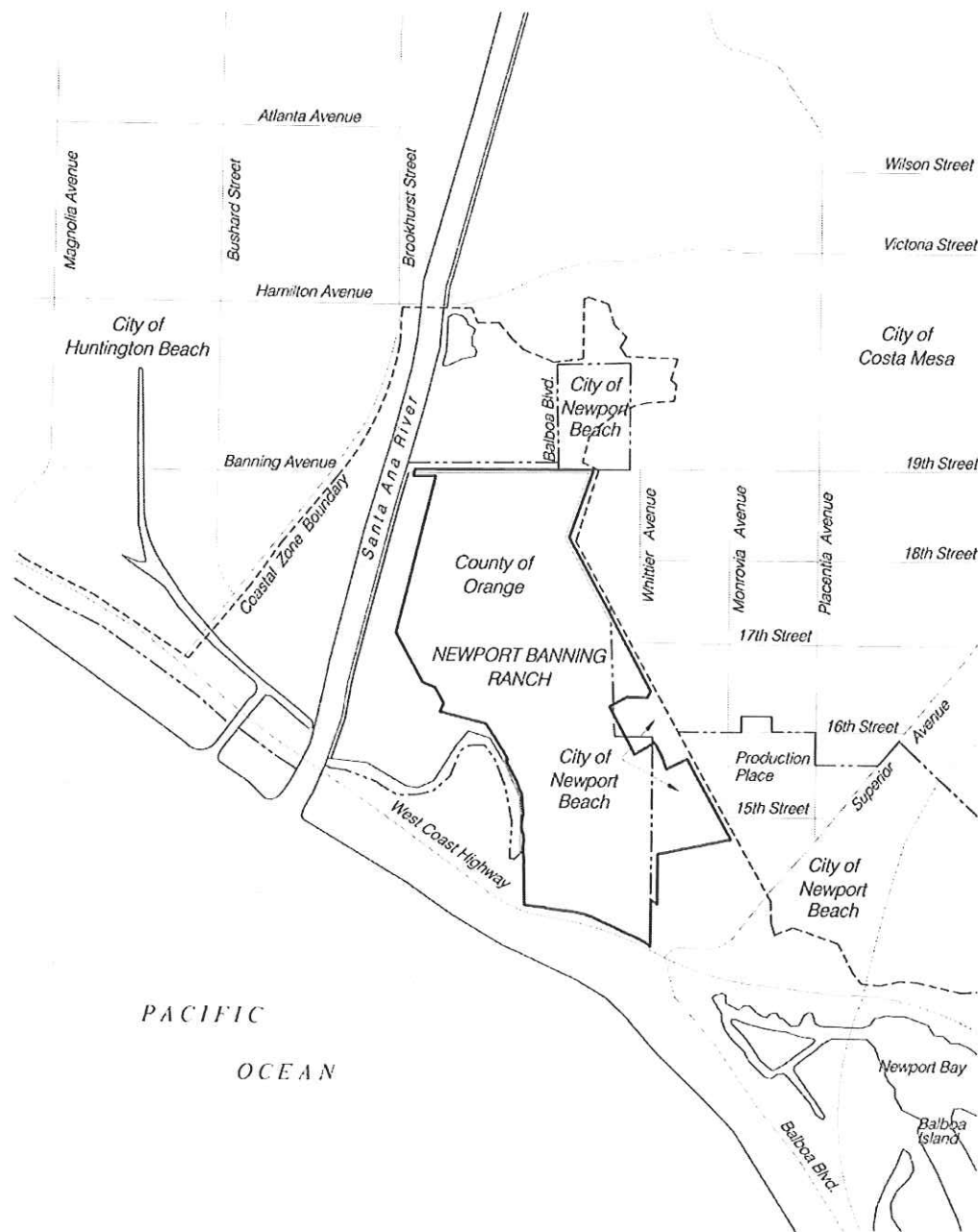
A proposed planned community on a 401.1 acre project site for development of 1,375 residential dwelling units, a 75-room resort inn and ancillary resort uses, 75,000 square feet of commercial uses, approximately 51.4 acres of parklands, and approximately 252.3 acres of permanent open space.

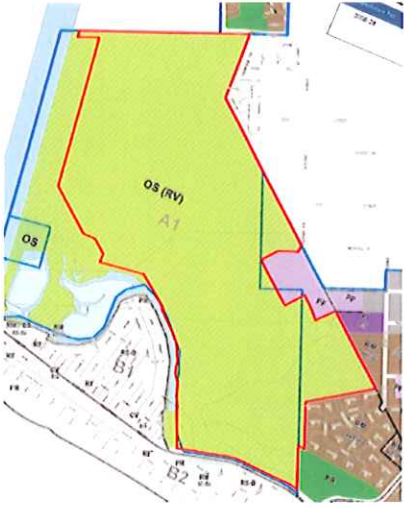
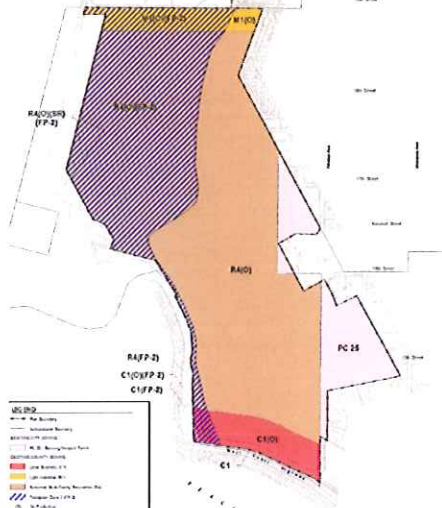
An Environmental Impact Report (EIR) SCH No. 2009031061 to evaluate the environmental impacts resulting from the proposed project. The EIR has been prepared in accordance with the California Environmental Quality Act of 1970 (CEQA), as amended (Public Resources Code Section 21000 et seq.), and the State CEQA Guidelines for Implementation of CEQA (California Code of Regulations, Title 14, Section 15000 et seq.).

RECOMMENDATION

- 1) Receive staff report focused in Environmental Impact Report;
- 2) Conduct a public hearing; and
- 3) Continue public hearing to April 5, 2012.

VICINITY MAP



EXISTING GENERAL PLAN		EXISTING ZONING	
			
LOCATION	GENERAL PLAN	ZONING	CURRENT USE
ON-SITE	Open Space/Residential Village (OS (RV))	Planned Community (PC-25); County Zoning Suburban Multi-family Residential (R-4), Local Business Commercial (C-1), Light Industrial (M-1) with Oil Production (O), Sign Restriction (SR), and Floodplain Zone (FP-2) Overlays	Open space, oil production
NORTH	Multi-unit Residential (RM), Parks and Recreation (PR); Costa Mesa General Plan Public/Institutional	Planned Community (PC-16), Costa Mesa Zoning Institutional and Recreational	Open space, multi-unit residential
SOUTH	Single-Unit Residential Detached (RS-D)	Single-Unit Residential (R-1)	Single-unit residential detached
EAST	Parks and Recreation (PR), Multi-Unit Residential (RM), General Industrial (IG), Private Institutions (PI), and Public Facilities (PF); Costa Mesa General Plan Light Industry and Medium Density Residential	Parks and Recreation (PR), Planned Community (PC-14), Multi-Unit Residential (RM), Industrial (IG), Private Institutions (PI), Public Facilities (PF); Costa Mesa Zoning General Industrial and Multiple Family Residential	Single-unit detached residential, light industrial, educational facilities, multi-unit residential and vacant
WEST	Open Space (OS) and Single-Unit Residential Detached (RS-D)	Open Space (OS) and Single-Unit Residential (R-1)	Open space and single-unit residential detached

INTRODUCTION

Project Setting

The project site consists of approximately 401.1 acres. Approximately 40 acres are located within the incorporated boundary of the City and the remainder is located within unincorporated Orange County, in the City's adopted Sphere of Influence, as approved by the Local Agency Formation Commission of Orange County (LAFCO).

The site's topography is characterized by two primary topographic areas: the lowland area in the northwestern portion and the upland area, located on the southwest edge of Newport Mesa, in the southern and eastern portions. The upland area has been incised to form three arroyos, with the largest being the Southern Arroyo and the second largest being the Northern Arroyo. A very small arroyo feature (Minor Arroyo) is located in the northeastern-most portion of the project site.

Although the project site has experienced disturbance associated with oil production operations, the site contains 45 vegetation types, including 20 types of coastal sage scrub and disturbed coastal sage scrub; vernal and ephemeral pools, marshes and mudflats; 8 types of undisturbed and disturbed riparian resources; and non-native grassland and ruderal, and disturbed/developed areas.

The project site is currently a producing oilfield with approximately 489 oil well sites and buildings and oil facility infrastructure, including oil processing facilities, pipelines, storage tanks, utility poles, and machinery. Related facilities include graded roads and equipment areas surfaced with gravel, asphalt, crude oil, or crude oil tank sediments, as well as old sumps which held produced oil and fluids in in-ground surface impoundments.

The project site is generally bound on the north by Talbert Nature Preserve/Regional Park in the City of Costa Mesa and Newport Terrace residential community; on the south by West Coast Highway and Lido Sands residential community south of the highway; on the east by a mix of land uses, including the California Seabreeze residential community and light industrial uses in the City of Costa Mesa, a vacant Newport-Mesa Unified School District-owned parcel, the City of Newport Beach Utilities Yard, Carden Hall day school, Coast Community College Newport Beach Learning Center (under construction), office and light industrial uses, the Newport Crest residential community, and the Sunset Ridge Park site; and on the west by the U.S. Army Corps of Engineers-restored salt marsh basin and the Santa Ana River.

Project Description

The project is a proposed 401.1-acre planned community for development of up to 1,375 residential dwelling units, a 75-room resort inn and ancillary resort uses, 75,000

square feet of commercial uses, approximately 51.4 acres of parklands, and approximately 252.3 acres of permanent open space.

The application consists of the following components:

- General Plan Amendment No. GP2008-008. An amendment to the Circulation Element of the General Plan to delete the planned segment of 15th Street west of Bluff Road.
- Code Amendment No. CA2008-004. A code amendment to rezone the portion of the project site currently within the incorporated boundary of the City from Planned Community (PC-25)¹ to Planned Community (PC-57).
- Planned Community Development Plan No. PC2008-002. A planned community development plan that would establish the allowable land uses, general development regulations, and implementation and administrative procedures, which would serve as zoning for the project site.
- Master Development Plan No. MP2008-001. A plan to establish detailed design criteria for each land use component to guide the review of subsequent development approvals.
- Tentative Tract Map No. NT2008-003. A tentative tract map to establish lots for public dedication or conveyance, lots for residential development and conveyance to homebuyers, and lots for financing and conveyance.
- Development Agreement No. DA2008-003. A pre-annexation and Development Agreement between the applicant and the City of Newport Beach describing development rights and public benefits.
- Affordable Housing Implementation Plan No. AH2008-001. A program specifying how the proposed project would meet the City's affordable housing requirements.
- Traffic Study No. TS2008-002. A traffic study pursuant to Chapter 15.40 (Traffic Phasing Ordinance).
- Environmental Impact Report No. ER2009-002. An Environmental Impact Report (EIR) SCH No. 2009031061 to evaluate the environmental impacts resulting from the proposed project.

¹ PC-25 is the Banning Newport Ranch Planned Community. This 75.5-acre planned community development plan was adopted in 1995 and provided for the development of 406 dwelling units and 400,000 square feet of office/industrial uses. The land uses and development policies of PC-25 were made inconsistent with the adoption of the General Plan in 2006. As part of the comprehensive Zoning Code Update approved by the City in 2010, approximately 13.06 acres of PC-25 were rezoned to Public Facilities (PF) leaving approximately 62.44 acres zoned PC-25.

EIR Review Process

The City of Newport Beach is the Lead Agency under CEQA for preparation, review and certification of the Final EIR for the Newport Banning Ranch project. As the Lead Agency, the City is responsible for determining the potential environmental impacts of the proposed action and which of those impacts are significant, and which can be mitigated to a level of less than significant.

The Planning Commission's role is to formulate a recommendation regarding the adequacy of the EIR and the merits of the proposed project for City Council consideration. The City Council is the final decision-making body. The adequacy of the EIR in identifying and mitigating environmental impacts of the project, as required by CEQA, is the first step in the decision-making process. Following a determination on the EIR, the Planning Commission will review the project as a separate action. A determination that an environmental document satisfies the requirements of CEQA does not indicate approval of a project.

Development of the Newport Banning Ranch EIR has included the following milestones:

- 09/03/08 Application filed
- 03/16/09 Notice of Preparation (NOP) distributed
- 03/18/09 30-day NOP public review and comment period begins
- 04/02/09 Scoping Meetings held to solicit additional suggestions on the content of the Draft EIR from government agencies and public
- 04/17/09 NOP public review comment period closed
- 09/09/11 Notice of Availability and Notice of Completion distributed
- 09/09/11 60-day public comment and review period begins
- 09/19/11 Environmental Quality Affairs Committee (EQAC) meeting on the review of the Draft EIR
- 10/17/11 EQAC meeting on comments on the Draft EIR
- 11/03/11 Planning Commission study session on the EIR process
- 11/08/11 Public comment and review period ends
- 03/08/12 Planning Commission study session on the Draft EIR
- 03/22/12 Planning Commission Public Hearing
- 04/05/12 Planning Commission Public Hearing (*additional public hearings may be required*)
- TBD City Council Public Hearing(s)

DISCUSSION

A minimum of two public hearings are warranted to allow the Planning Commission to review the EIR and project and receive public testimony. The March 22nd meeting and this report focuses on the EIR (Attachment PC 2), including the environmental review process and the findings of the environmental analysis. The second public hearing is tentatively scheduled for April 5, 2012 which will focus on the details of the project.

The Commission is tasked with making a recommendation to the City Council on the certification of the Final EIR and the proposed project. The City Council, which will have final authority over the proposed project, will consider whether or not to certify that the EIR was completed in compliance with CEQA and the State and local CEQA guidelines.

The Commission must make their recommendation on the certification of the Final EIR prior to consideration of the proposed project application. The Planning Commission's recommendations will be two separate actions (i.e., vote) that may be made at separate public hearings. A detailed staff report will be prepared on the proposed project application for the April 5, 2012 Planning Commission.

Analysis

Pursuant to CEQA, the purpose of an EIR is to:

- Identify the significant effects on the environment of a project;
- Identify alternatives to the proposed project; and
- Indicate the manner in which significant environmental effects can be mitigated or avoided.

An EIR is the most comprehensive form of environmental documentation identified in CEQA and the State CEQA Guidelines, and provides the information needed to assess the environmental consequences of a proposed project to the extent feasible. EIRs are intended to provide an objective, factually supported, full-disclosure analysis of the environmental consequences associated with a project that may have the potential to result in significant adverse environmental impacts. In the end, the environmental analysis needs to be comprehensive enough to allow informed decisions on a project. State CEQA Guidelines state:

An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information that enables them to make a decision that intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible. Disagreement among experts does not make an

EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have not looked for perfection but for adequacy, and a good faith effort at full disclosure.

The City is the "lead agency" for the proposed project. CEQA defines the lead agency as the "public agency which has the principal responsibility for carrying out or approving the project." As the lead agency, the City is required to review and consider the EIR prior to any decision to approve, revise, or deny the proposed project. Other public agencies with direct interest in the project (e.g., responsible and trustee agencies including the California Coastal Commission), may use the EIR in their decision-making or permitting processes.

Environmental Impact Analysis

The EIR provides an impact analysis for those environmental impact categories where it was determined that the proposed project could result in "potentially significant impacts." This analysis included every environmental impact category in the City's Environmental Checklist, with the exception of agricultural and timberland resource. The significance of impacts is determined by thresholds derived from the City's Environmental Checklist, CEQA, and the State CEQA Guidelines. Significance thresholds define the quantitative, qualitative, or performance limits of a particular environmental effect. If these thresholds are exceeded, the impact is considered to be significant.

Most of the potentially significant environmental impacts were determined to have either "no impact" or "No Significant Impact" through the implementation of the Mitigation Program comprised of Project Design Features (PDFs), Standard Conditions (SCs), and Mitigation Measures (MMs). EIR Table 1-2 (Attachment PC 3) provides a summary of significant impacts and the Mitigation Program. However, the impact analysis did identify significant and unavoidable impacts; impacts that remain significant after including all feasible mitigation measures are considered. These impacts are discussed below.

Significant Unavoidable Impacts

Land Use and Related Planning Programs. There would be land use incompatibility with respect to long-term noise and night illumination predominately from the Community Park on those Newport Crest residences immediately contiguous to the project site.

- Mitigation Measures MM 4.12-6 and MM 4.12-7 would provide mitigation
- No authority to mandate the implementation of mitigation on private property

- Noise impacts would remain significant if the residents of Newport Crest elect not to implement the mitigation measures to reduce the increased interior noise levels
- This impact would be significant and unavoidable.

It should be noted that the 2006 General Plan Final EIR recognized that the introduction of new sources of lighting associated with development of the Banning Ranch property, including a community park, would be considered significant and unavoidable. In certifying the General Plan Final EIR and approving the General Plan, the City approved a Statement of Overriding Considerations which notes that there are specific economic, social, and other public benefits that outweigh the significant unavoidable impacts associated with the adoption of the General Plan. These benefits included the development of a new park, whether Banning Ranch was acquired as open space or partially developed, that will provide playfields and passive recreational opportunities for the underserved western portion of the City.

Aesthetic and Visual Resources. The proposed project would introduce nighttime lighting into a currently unlit area.

- Project would include “dark sky” lighting concept
- Night lighting impacts are considered significant and unavoidable

It should again be noted that the 2006 General Plan Final EIR found that the introduction of new sources of lighting associated with development of Banning Ranch would be considered significant and unavoidable and that there are specific economic, social, and other public benefits which outweigh these impacts.

Transportation and Traffic. The proposed project would have impacts on intersections in the City of Costa Mesa.

- Mitigation Measure MM 4.9-2 would mitigate impact to a level considered less than significant
- City cannot impose mitigation on another jurisdiction
- If the applicant is unable to implement mitigation within the City of Costa Mesa, the impacts would remain significant and unavoidable

The specific impacts to the City of Costa Mesa intersections are identified in Section 1.6.2 and Section 4.9 of the EIR.

Air Quality. Without mitigation, regional (mass) emissions of oxides of nitrogen (NOx) are forecasted to exceed applicable thresholds in some construction years. Long-term

operational emissions of criteria pollutants would not exceed the South Coast Air Quality Management District (SCAQMD) mass emissions thresholds from initial occupancy through 2020. However, as project development continues beyond 2020, emissions of volatile organic compounds (VOCs) and carbon monoxide (CO) would exceed the significance thresholds, principally due to vehicle operations. Therefore, the impacts remain significant and unavoidable.

The proposed project would have cumulatively considerable contributions to regional pollutant concentrations of ozone (O₃).

- Mitigation Measure MM 4.10-1 would reduce the NO_x emissions to less than significant levels
- The availability of sufficient Tier 4 diesel engine construction equipment cannot be assured
- Therefore, the air quality impacts are found to be significant and unavoidable.

Greenhouse Gas Emissions. The proposed project would emit quantities of green house gases (GHGs) that would exceed the City's 6,000 million metric tons of carbon dioxide equivalent (MTCO₂e) per year significance threshold. The proposed project would make a cumulatively considerable contribution to the global GHG inventory affecting global climate change.

Noise. The increased traffic volumes on 17th Street west of Monrovia Avenue in Costa Mesa would expose sensitive receptors (i.e., residential dwellings, hotels, hospitals, day care centers, and educational facilities) to noise levels that would exceed City of Costa Mesa significance thresholds. Mitigation Measure MM 4.12-5 requires the applicant to provide funds to the City of Costa Mesa to resurface the street with rubberized asphalt; however, the City has no ability to assure that the mitigation would be implemented. Therefore, the forecasted impact to residents of 17th Street west of Monrovia Avenue is considered significant and unavoidable.

For portions of the Newport Crest development, there would be a significant increase in the ambient noise level due to the projected traffic volumes in the build-out condition. Although Mitigation Measures MM 4.12-6 and MM 4.12-7 would provide mitigation, noise impacts would remain significant if the residents of Newport Crest elect not to implement the mitigation measures to reduce the increased interior noise levels. The City does not have the authority to mandate the implementation of mitigation on private property that is not on the project site; therefore, this impact would be significant and unavoidable.

The use of construction equipment would result in a substantial temporary increase in ambient noise levels to nearby noise-sensitive receptors in the vicinity of the project construction activities. The temporary noise increases would be significant and

unavoidable due to the low existing ambient noise levels, the proximity of the noise-sensitive receptors, and duration of construction activities.

Significant environmental impacts that cannot be mitigated to a less than significant level through the adoption of mitigation measures or project alternatives, the City Council, (and responsible agencies using this CEQA document for their respective permits or approvals) must decide whether the benefits of the proposed project outweigh any identified significant environmental effects that cannot be mitigated to below a threshold of significance. If the City decides that the overriding considerations, including project benefits, outweigh the unavoidable impacts, then the City is required to adopt a Statement of Overriding Considerations, which states the reasons that support its actions. The City Council would also consider adoption of a Statement of Overriding Considerations as part of their review of the Final EIR and the proposed project.

Alternatives

State CEQA Guidelines requires that "an EIR describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives".

It should be noted that State CEQA Guidelines state that "an EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives, which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason."

The EIR compares the following six (6) alternatives to the proposed project:

Alternative A: No Action/No Development Alternative (Continuation of Existing Land Uses) - "No project" alternative required by the State CEQA Guidelines and assumes existing conditions on the project site and the continuation and possible expansion of oil exploration and oil production operations.

- Greater impacts in terms of consistency with applicable plans and policies
- No significant and unavoidable impacts

Alternative B: Newport Beach General Plan/Open Space Designation - Assumes the General Plan Primary Use open space acquisition option, including consolidation of oil operations, wetlands restoration, construction of roadways, and provision of nature

education, interpretative facilities, and an active park that contains lighted playfields and other facilities.

- Would eliminate significant and unavoidable impacts associated with traffic, air quality, greenhouse gases, and certain noise impacts
- Impacts could still not be reduced to a level considered less than significant
- Environmentally superior alternative, feasibility issues, does not meet project objectives

Alternative C: Proposed Project with Bluff Road Extending to 17th Street - assumes the same land uses and development plan as the proposed project with a North Bluff Road/Bluff Road connection from West Coast Highway only to 17th Street.

- Would minimize significant impacts to sensitive habitat areas and landform alteration associated with the extension of North Bluff Road from just north of 17th Street to 19th Street
- Would not eliminate significant and unavoidable impacts associated with traffic, air quality, greenhouse gases, and certain noise impacts

Alternative D: Reduced Development and Development Area - assumes the same number of residential units within a reduced footprint.

- Substantially lessens, but does not eliminate, the impacts as a result of a smaller footprint (less grading and less development)

Alternative E: Reduced Development Area - assumes the same number of residential units within a reduced footprint. Residential units would be provided at a higher density and on smaller lots than assumed for the proposed project.

- Incremental reduction in impacts due to the reduction in development and the area being developed
- Would not eliminate any of the unavoidable significant impacts

Alternative F: Increased Open Space/Reduced Development Area - assumes the same number of residential units within a reduced footprint. Residential units would be provided at a higher density and on smaller lots than assumed for the proposed project.

- Incremental reduction in impacts due to the reduction in development and the area being developed
- Would not eliminate any of the unavoidable significant impacts
- Environmentally superior development alternative

The features and characteristics of each Alternative are summarized in the Table 1 below.

TABLE 1							
	Proposed Project	ALTERNATIVES					
		A	B	C	D	E	F
Development Area (AC)	97.4	N/A ³	0 ³	97.2	92.9	92.9	84.0
Open Space (AC)	252.3	N/A	369.8	252.0	269.1	269.1	282.4
Parkland (AC)	51.4	0	31.3	51.9	39.1	39.1	34.7
Residential (DU)	1375	0	0	1375	1200	1375	1375
Commercial (SF)	75,000	0	0	75,000	60,000	60,000	60,000
Visitor-Serving Comm. (SF)	--- ¹	0	0	--- ¹	15,000	15,000	0
Resort Inn (Rooms)	75	0	0	75	0	0	0
Oil Operations	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Community Park (Lighted)	Yes	No	Yes	Yes	Yes	Yes	Yes
Habitat Restoration	Yes	No	Yes	Yes	Yes	Yes	Yes
Nature Center	Yes	No	Yes	Yes	No	No	No
Interpretative Trails	Yes	No	Yes	Yes	No	No	No
General Plan Roadways	Yes ²	Possible	Yes	Yes ⁴	Yes ²	Yes ²	Yes ²
WCH Pedestrian Bridge	Yes	No	No	Yes	No	No	No
Notes:							
1. Included in Resort Inn							
2. No 15 th Street extension to West Coast Highway							
3. Oil production only							
4. No extension of North Bluff Road north of 17 th Street; no 15 th Street extension to West Coast Highway							

CEQA requires the identification of an environmentally superior alternative. The State CEQA Guidelines state that if the No Project Alternative (Alternative A) is the environmentally superior alternative, then the EIR shall also identify an environmentally superior alternative among the other alternatives. Based on the evaluation contained in the EIR, Alternative B (General Plan Open Space Designation) would be the environmentally superior alternative because it provides for restoration of the Project site and maintains the greatest amount of open space. While this alternative would have greater impacts than the No Project Alternative in the near-term, the long-term benefits associated with site restoration would be environmentally superior to maintaining the site as an oilfield.

Although Alternative B is the environmentally superior alternative, there are significant challenges affecting its feasibility. The financial feasibility of this alternative is dependent upon the ability of a responsible party to obtain sufficient funds to acquire the site and fund clean-up, restoration, and long-term maintenance of the site. Feasibility is also dependent on the City's ability to construct roadways, infrastructure, and recreation improvements. In addition, since no mechanism exists to impose consolidation and clean-up of the oilfield, agreements would have to be negotiated for this to occur.²

Additionally, Alternative B does not meet a number of the project objectives. Therefore, an environmentally superior development alternative is also being identified. Alternative

² Acquisition of the property does not include acquisition of the underlying mineral rights, which are owned by a third party.

F would provide development that is generally consistent with the General Plan Residential Village designation and would be able to meet most of the project objectives. Although this Alternative does not eliminate any of the significant impacts of the project, it does substantially lessen the impacts by reducing the amount of land that would be subject to development, and increasing the amount of undeveloped open space by almost 30 acres, it provides greater protection of the environment. This alternative provides greater protection of the environment by reducing the area of non-open spaces uses by approximately 20 percent.

Response to Comments

The Draft EIR was released for public review and comment by the City on September 9, 2011. The 60-day public review period ended on November 8, 2011. During that period the City received 28 comment letters from governmental agencies, regional organizations, and committees and 129 comment letters from local groups and individuals.

In accordance with State CEQA Guidelines, the City has evaluated all substantive comments received on the Draft EIR, and has prepared written responses to these comments (Attachment PC 4). The Response to Comments will be a component of the Final EIR, which will be considered for certification by the City Council.

Mitigation, Monitoring, and Reporting Program

CEQA requires that all public agencies establish monitoring and/or reporting procedures for mitigation measures adopted as conditions of approval in order to mitigate or avoid significant project impacts. The reporting or monitoring program must be designed to ensure compliance during project implementation. The City is the lead agency for the project and is therefore responsible for implementing the Mitigation Monitoring and Reporting Program (MMRP).

The MMRP (Attachment PC 5) provides a timeframe for performance of the Project Design Features (PDFs), Standard Conditions (SCs), and Mitigation Measures (MMs) or review of evidence that mitigation has taken place, is provided. The MMRP also identifies the responsible party for implementing the mitigation measures. Finally, the MMRP provides the criteria for mitigation, either in the form of adherence to certain adopted regulations or identification of the steps to be taken in mitigation.

Public Notice

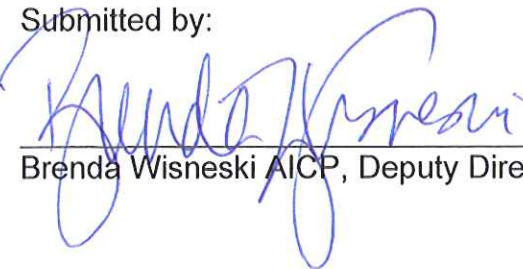
Notice of this hearing was published in the Daily Pilot, mailed to approximately 6,500 property owners within 1000 feet of the property (300 feet is required by the Zoning Code) and posted at the site a minimum of 10 days in advance of this hearing consistent with the Municipal Code. Additionally, the item appeared upon the agenda for this meeting, which was posted at City Hall and on the City website.

Prepared by:



Patrick J. Alford, Planning Manager

Submitted by:



Brenda Wisneski AICP, Deputy Director

ATTACHMENTS

- PC 1 Draft Resolution with Findings
- PC 2 Environmental Impact Report (EIR) SCH No. 2009031061 (under separate cover)
- PC 3 EIR Table 1-2 Summary of Significant Impacts and Mitigation Program
- PC 4 Draft Response to Comments and Errata (under separate cover)
- PC 5 Draft Mitigation, Monitoring and Report Program (under separate cover)
- PC 6 Correspondence

Attachment No. PC 1

Draft Resolution with Findings

RESOLUTION NO. _____

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NEWPORT BEACH
RECOMMENDING CERTIFICATION OF A DRAFT
ENVIRONMENTAL IMPACT REPORT FOR THE
NEWPORT BANNING RANCH PROJECT**

WHEREAS, an application was filed by Newport Banning Ranch, LLC with respect to a 401-acre planned community for development of 1,375 residential dwelling units, a 75-room resort inn and ancillary resort uses, 75,000 square feet of commercial uses, and approximately 51.4 acres of parklands generally located north of West Coast Highway, south of 19th Street, and east of the Santa Ana River. The Project site is adjacent to the City of Costa Mesa on the east, unincorporated County on the north and west, and the existing developed areas of the City of Newport Beach on the south and southeast. The Santa Ana River and the City of Huntington Beach are located west of the Project site; and

WHEREAS, The application consists of the following components: a Development Agreement between the applicant and the City of Newport Beach describing development rights and public benefits; General Plan Amendment to the Circulation Element of the General Plan to delete the planned segment of 15th Street west of Bluff Road; Code Amendment to rezone the project site from Planned Community (PC-25) to Planned Community (PC-57); a Pre-Annexation Agreement for a zone change that is proposed for those portions of the project site located within the City's Sphere of Influence from County zoning to PC-57; Planned Community Development Plan and would establish the allowable land uses, general development regulations, and implementation and administrative procedures; Master Development Plan to establish detailed design criteria for each land use component to guide the review of subsequent development approvals; Tentative Tract Map to establish lots for public dedication or conveyance, lots for residential development and conveyance to homebuyers, and lots for financing and conveyance; Affordable Housing Implementation Plan specifying how the project would meet the City's affordable housing requirements; and Traffic Study Approval pursuant to Newport Beach Municipal Code Chapter 15.40 (Traffic Phasing Ordinance); and

WHEREAS, it was determined pursuant to the California Environmental Quality Act, Public Resources Code Section 21000, et seq. ("CEQA"), the CEQA Guidelines (14 Cal. Code of Regulations, Sections 15000 et seq.), and City Council Policy K-3, that the Project could have a significant effect on the environment, and thus warranted the preparation of an Environmental Impact Report ("EIR"); and

WHEREAS, on March 16, 2009, the City of Newport Beach, as lead agency under CEQA, prepared a Notice of Preparation ("NOP") of the EIR and mailed that NOP to public agencies, organizations and persons likely to be interested in the potential impacts of the proposed Project; and

WHEREAS, on April 2, 2009, the City held two public scoping meetings, one for government agencies and one for the general public, to present the proposed project and to solicit input from interested individuals regarding environmental issues that should be addressed in the EIR; and

WHEREAS, the City thereafter caused to be prepared a Draft Environmental Impact Report ("DEIR"), which, taking into account the comments it received on the NOP, described the Project and discussed the environmental impacts resulting there from, and on September 9, 2011, circulated the Draft EIR for public and agency comments; and

WHEREAS, on September 19, 2011 and October 17, 2011, the Environmental Quality Affairs Committee of the City of Newport Beach held a meetings on to review and comment on the Draft EIR; and

WHEREAS, on November 3, 2011, the Planning Commission held a study session on the Draft EIR process;

WHEREAS, a 60-day public review and comment period closed on November 8, 2011; and

WHEREAS, on January 19, 2012, February 9, 2012, and February 23, 2012, the Planning Commission held study sessions on the Newport Banning Ranch project; and

WHEREAS, on March 8, 2012, the Planning Commission held a study session on the Draft EIR; and

WHEREAS, staff of the City of Newport Beach reviewed the comments received on the Draft EIR during the public comment and review period, and prepared full and complete responses thereto, and on March 16, 2012 distributed the responses in accordance with Public Resources Code Section 21092.5; and

WHEREAS, public hearings were held on March 22 and _____, 2012, in the City Hall Council Chambers, at 3300 Newport Boulevard, Newport Beach, California. A notice of time, place, and purpose of the aforesaid meeting was given. The Draft EIR, draft Responses to Comments, and draft Mitigation, Monitoring, and Reporting Program, staff report, and evidence, both written and oral, were presented to and considered by the Planning Commission at this meeting; and

WHEREAS, the Planning Commission finds that judicial challenges to the City's CEQA determinations and approvals of land use projects are costly and time consuming. In addition, project opponents often seek an award of attorneys' fees in such challenges. As project applicants are the primary beneficiaries of such approvals, it is appropriate that such applicants should bear the expense of defending against any such judicial challenge, and bear the responsibility for any costs, attorneys' fees, and damages which may be awarded to a successful challenger.

NOW THEREFORE, BE IT RESOLVED:

The Planning Commission of the City of Newport Beach recommends to the City Council of the City of Newport Beach certification of the Newport Banning Ranch Draft Environmental Impact Report (SCH# SCH No. 2009031061) attached as Exhibit A based upon the draft findings of fact attached as Exhibit B.

PASSED, APPROVED AND ADOPTED THIS _____ DAY MARCH, 2012.

AYES:

NOES:

BY: _____
Michael Toerge, Chairman

BY: _____
Fred Ameri, Secretary

Exhibit "A"

Environmental Impact Report
(SCH#2009031061)

Consists of:

1. Volume I: Draft Environmental Impact Report dated September 9, 2011
2. Volume II: Exhibits dated September 9, 2011
3. Volume III: Appendices A Through F dated September 9, 2011
4. Volume IV: Appendices G Through Z dated September 9, 2011
5. Responses to Comments and Errata dated March 2012
6. Mitigation Monitoring and Reporting Program dated March 2012

Exhibit "B"

NEWPORT BANNING RANCH (PA 2008-114)
DRAFT ENVIRONMENTAL IMPACT REPORT (SCH NO. 2009031061)
FINDINGS OF FACT

I. BACKGROUND

The environmental impact report (EIR) process, as defined by the California Environmental Quality Act (CEQA), requires the preparation of an objective, full-disclosure document in order to (1) inform agency decision makers and the general public of the direct and indirect potentially significant environmental effects of a proposed action; (2) identify feasible or potentially feasible mitigation measures to reduce or eliminate potential significant adverse impacts; and (3) identify and evaluate reasonable alternatives to the proposed project. In accordance with Section 15161 of the State CEQA Guidelines (Title 14 of the California Code of Regulations [CCR]), this is a Project EIR that addresses the potential environmental impacts associated with the proposed Project, known as "Newport Banning Ranch".

II. PROJECT LOCATION

The Newport Banning Ranch Project site (Project site) encompasses approximately 401 acres. Approximately 40 acres of the Project site are located in the incorporated boundary of the City of Newport Beach (City), and approximately 361 acres are in unincorporated Orange County (County) within the City's Sphere of Influence, as determined by the Local Agency Formation Commission (LAFCO) of Orange County. The entire Project site is within the boundary of the Coastal Zone, as established by the California Coastal Act.

The Project site is generally bound on the north by the County of Orange Talbert Nature Preserve/Regional Park in the City of Costa Mesa and residential development in the City of Newport Beach; on the south by West Coast Highway and residential development in the City of Newport Beach; on the east by residential, light industrial, institutional, and office development in the Cities of Costa Mesa and Newport Beach; and on the west by the U.S. Army Corps of Engineers (USACE) restored salt marsh basin and the Santa Ana River. The City of Huntington Beach is west of the Santa Ana River. At its nearest point, the Project site is less than 0.25 mile inland from the Pacific Ocean. Because the property is an active oilfield, there is no public access to the Project site.

III. PROJECT DESCRIPTION SUMMARY

The proposed Project would allow for the development of the site with residential, commercial, resort inn, and park and recreational uses, and would provide open space uses that would permit the designation of oil use retention and consolidation on a portion of the open space area of the Project site. The proposed Project includes infrastructure to support the proposed land uses, including public parks and open space to serve future Project residents and the community at large.

The 401-acre Project site is proposed for development with 1,375 residential dwelling units (du); 75,000 square feet (sf) of commercial uses, and a 75-room resort inn. Approximately 51.4 gross acres are proposed for active and passive park uses including a 26.8-gross-acre public Community Park. Approximately 252.3 gross acres (approximately 63 percent) of the 401-acre site are proposed for natural resources protection in the form of open space. Of the 252.3 gross acres, approximately 16.5 gross acres would be used for interim oil operations. Upon the future cessation of oil operations, these oil consolidation sites would be abandoned and remediated, and the consolidation sites would be restored as open space. The proposed Project includes the development of a vehicular and a non-vehicular circulation system for automobiles, bicycles, and pedestrians, including a proposed pedestrian and bicycle bridge from the Project site across West Coast Highway.

The City of Newport Beach General Plan (General Plan) was adopted by the City Council on July 25, 2006, and approved by the voters on November 6, 2006. The General Plan (1) establishes criteria and standards for land use development and (2) provides policy and land use guidance for the City and its Sphere of Influence. A majority of the Project site is located in the unincorporated Orange County area within the City's Sphere of Influence with a County General Plan designation of "Open Space". As a part of the Project, the unincorporated area within the City's Sphere of Influence is proposed to be annexed to the City.

The Project site has a Newport Beach General Plan land use designation of OS (RV), Open Space/Residential Village. The OS(RV) land use designation establishes a Primary Use of Open Space and an Alternative Use of Residential Village for the Project site, as described below:

Primary Use: Open Space, including significant active community parklands that serve adjoining residential neighborhoods if the site is acquired through public funding.

Alternative Use: If not acquired for open space within a time period and pursuant to terms agreed to by the City and property owner, the site may be developed as a residential village containing a mix of housing types, limited supporting retail, visitor accommodations, school, and active community parklands, with a majority of the property preserved as open space. The property owner may pursue entitlement and permits for a residential village during the time allowed for acquisition as open space.

The City of Newport Beach General Plan's Land Use Element prioritizes the retention of the Project site for open space. As described in the General Plan, the open space acquisition option could include consolidation of oilfield operations; restoration of wetlands; and the provision of nature education and interpretative facilities and an active park containing playfields and other facilities to serve residents of adjoining neighborhoods.

The General Plan also specifies that, if the property is not acquired for open space within a time period and pursuant to terms agreed to by both the City and property owner, the Project site could be developed as a Residential Village (RV) containing a mix of housing types, limited supporting retail, visitor accommodations, a school, and active community parklands with a majority of the property preserved as open space. The General Plan identifies the maximum intensity of development allowed on the property to include up to 1,375 du, 75,000 sf of retail commercial uses oriented to serve the needs of local and nearby residents, and 75 hotel rooms in a small boutique hotel or other type of overnight visitor accommodation.

Under both the Primary Use and Alternative Use, roadways would be constructed through the Project site. Both the Master Plan of Streets and Highways in the City of Newport Beach General Plan's Circulation Element and the Orange County Master Plan of Arterial Highways (MPAH) depict roadways through the Project site. Roadways to be constructed as part of the proposed Project include: (a) Bluff Road, a north-south, four-lane divided road extending from West Coast Highway to 15th Street; (b) North Bluff Road, which would transition from a four-lane divided road to a two-lane undivided road extending between 15th Street and 19th Street; (c) an extension of 15th Street, a four-lane divided road, from its existing western terminus at the boundary of the Project site and connecting with North Bluff Road; (d) the extension of 16th Street, a two-lane collector roadway, from its existing terminus at the Project site's eastern boundary to North Bluff Road; and (e) the extension of 17th Street, a four-lane divided primary roadway from its existing terminus at the Project site's eastern boundary and connecting with North Bluff Road.

As proposed, the Project requires an amendment to the General Plan Circulation Element to delete a second road connection to West Coast Highway through the Project site from 15th Street. The traffic analysis done for the Project demonstrates that this roadway is not needed to serve the traffic demand associated with the proposed Project and subregional development. Therefore, construction of this second road to West Coast Highway has not been identified as a component of the Project.

An amendment to the Orange County MPAH is also required to delete a second connection to West Coast Highway and to redesignate North Bluff Road. The Orange County MPAH designates North Bluff Road as a Primary (four-lane divided) to 17th Street and a Major (six-lane divided) between 17th Street and 19th

Street. An amendment to the Orange County MPAH is required to change the designation from a Major to a Secondary (four-lane undivided) between 17th Street and 19th Street.

Half-width roadway improvements on North Bluff Road north of 16th Street for approximately 800 feet are proposed on property owned by the Newport-Mesa Unified School District (School District). The construction of this segment of North Bluff Road would require acquisition by Newport Banning Ranch, LLC (Applicant) or the authorization for use of right-of-way from the School District.

A Zone Change is being requested to pre-zone the portion of the Project site located within the City's Sphere of Influence as Planned Community 57 (PC-57), and to amend the boundaries of PC-25 (located within the City) to remove that portion of the Project site currently located within PC-25 and change the zoning for this area to PC-57. The boundaries of PC-25 would be revised to include only the remaining properties owned by the School District and the City. A Zoning Code Amendment is proposed to adopt the "Newport Banning Ranch Planned Community" (NBR-PC).

The NBR-PC would serve as the zoning regulations for PC-57, including both the portion of the Project site located within the City of Newport Beach and the portion of the Project site located within the County of Orange, but within the City's Sphere of Influence. Following annexation of the areas located within the Sphere of Influence, the NBR-PC would become effective. The NBR-PC establishes allowable land uses within each land use district; development regulations for each land use district; general development regulations applicable to all development within the Project site; and procedures for implementing and administering the NBR-PC.

The proposed Project includes a request for approval of the Newport Banning Ranch Master Development Plan (Master Development Plan). Approval of the Master Development Plan implements the NBR-PC zoning requirements for the Project site by establishing design criteria for each proposed land use and providing a sufficient level of detail, as determined by the City, to guide the review of subsequent development approvals. The Master Development Plan contains Project development plans and preliminary layouts for streets and lotting, pedestrian and vehicular accessways, open spaces, parks, and other site features for the Project site area. City approval of the Master Development Plan is required for Project implementation.

The Applicant is also requesting the approval of Tentative Tract Map (TTM) No. 17308, which (1) establishes lots for public dedication or conveyance; (2) easements for trails and public utilities; (3) lots for residential development and conveyance to homebuyers; and (4) lots for financing and conveyance that may be either developed on a residential condominium basis or which can be further subdivided for purposes of development and conveyance to homebuyers. Approval of TTM No. 17308 would permit grading, site remediation, habitat restoration, construction of drainage and water quality improvements, backbone infrastructure, and dry and wet utilities throughout the Project site. Development of all other proposed facilities and land uses would require recordation of a final tract map.

A Pre-Annexation and Development Agreement between the Applicant and the City would also be processed concurrent with other approvals associated with this Project.

Project implementation requires multiple approvals, permits, and/or actions as listed below.

Federal

- **USACE:** Section 404 permit for impacts to areas determined to be "Waters of the U.S."
- **U.S. Fish and Wildlife Service:** Section 7 Consultation for potential impacts to federally listed species.

State

- **Regional Water Quality Control Board:** Water Quality Certification under Section 401 of the Federal Clean Water Act; approval related to oil well/facility abandonment and site remediation.

- **California Department of Fish and Game:** Section 1602 Streambed Alteration Agreement.
- **California Coastal Commission:** Master Coastal Development Permit, including approval of the Newport Banning Ranch Master Development Plan and Pre-Annexation and Development Agreement.
- **California Department of Transportation (Caltrans):** Encroachment Permit for activities in Caltrans' rights-of-way, including modification of the reinforced concrete box under West Coast Highway and construction of the pedestrian and bicycle bridge.
- **California Department of Conservation, Division of Oil, Gas and Geothermal Resources:** Site remediation activities.

Regional and Special Districts

- **Local Agency Formation Commission:** Annexation approval.
- **South Coast Air Quality Management District (SCAQMD):** SCAQMD permits for the oilfield soil remediation.
- **County Orange County Transportation Authority:** Amendment to the Orange County MPAH.
- **Orange County Health Care Agency:** Approval related to oil well/facility abandonment and site remediation.

City of Newport Beach

- Certification of the Final EIR
- General Plan Circulation Amendment
- Zoning Code Amendment
- Zone Change
- Newport Banning Ranch Planned Community Development Plan
- Newport Banning Ranch Master Development Plan
- Tentative Tract Map No. 17308
- Affordable Housing Implementation Plan (AHIP)
- Pre-Annexation and Development Agreement
- Traffic Phasing Ordinance Approval

In addition to the approvals identified above, the Project is subject to other discretionary and ministerial actions by the City as part of Project implementation. Subsequent activities would be examined in light of the Final Environmental Impact Report (FEIR) to determine whether additional CEQA documentation would be required pursuant to the requirements of Section 21166 of CEQA (Public Resources Code §21166) and Sections 15162 and 15168 of the State CEQA Guidelines (14 CCR) for subsequent approvals.

Subsequent City approvals include but are not limited to the following:

- Tentative and Final Tract Maps to further subdivide lots approved as part of the approval of TTM No. 17308;
- Site Development Review Permits;
- Use Permits;
- Model Home Permits;
- Grading Permits;
- Street Improvement and Pedestrian and Bicycle Bridge Plans;
- Storm Drainage, Sewer, Water, and Dry Utility Plans;
- Landscaping and Park Plans;
- Building Permits;
- Encroachment Permits;
- Acquisition of rights of entry easements and rights-of-way for off-site Project improvements, as necessary;
- Construction of Public Facilities.

IV. PROJECT OBJECTIVES

The Applicant has identified the following objectives for the proposed Project.

1. Provide a Project that implements the goals and policies that the Newport Beach General Plan has established for the Banning Ranch area.
2. Preservation of a minimum of 50 percent of the Project site as open space without the use of public funds to be used for habitat conservation, interpretive trails, and development of public parks to meet the recreational needs of the community.
3. Development of a residential village of up to 1,375 residential units, offering a variety of housing types in a range of housing prices, including the provision of affordable housing to help meet the City's Regional Housing Needs Assessment (RHNA).
4. Development of up to 75 overnight accommodations in a small resort inn including ancillary facilities and services such as a spa, meeting rooms, shops, bars, and restaurants that would be open to the public.
5. Development of up to 75,000 square feet of retail commercial uses oriented to serve the needs of local residents and visitors utilizing the resort inn and the coastal recreational opportunities provided as part of the Project.
6. Development of a land use plan that (1) provides a comprehensive design for the community that creates cohesive neighborhoods promoting a sense of identity with a simple and understandable pattern of streets, a system of pedestrian walkways and bikeways that connect residential neighborhoods, commercial uses, parks, open space and resort uses; (2) reduces overall vehicle miles travelled; (3) integrates landscaping that is compatible with the surrounding open space/habitat areas and that enhances the pedestrian experience within residential areas; and (4) applies architectural design criteria to orient residential buildings to the streets and walkways in a manner that enhances the streetscape scene.

7. Provide for roadway improvements to improve and enhance regional circulation, minimize impacts of Project development on the existing circulation system, and enhance public access while not developing more roadways than are needed for adequate regional circulation and coastal access.
8. Provide enhanced public access in the Coastal Zone through a system of pedestrian walkways, multi-use trails, and on-street bikeways designed to encourage walking and biking as an alternative to the use of automobiles by providing connectivity among residential, commercial, park, open space, and resort uses within the Project site and to existing adjacent open space, hiking and biking trails, the beach, and the Pacific Ocean.
9. Provide for the consolidation of oil resource extraction and related recovery operations in locations that minimize impacts to sensitive habitat areas and promote compatibility with development of the remainder of the property for residential, resort, commercial, park, and open space uses.
10. Provide for the restoration and permanent preservation of habitat areas through implementation of a Habitat Restoration Plan (HRP) for the habitat conservation, restoration, and mitigation areas ("Habitat Areas") as depicted on the Master Development Plan.
11. Provide for long-term preservation and management of the Habitat Areas through the establishment of a conservation easement or deed restriction and the creation of an endowment or other funding program.
12. Expand public recreational opportunities within the Coastal Zone through development of a public community park and associated parking, and through development of publicly accessible bluff parks, interpretive parks, and trails as part of the Project.
13. Improve the existing arroyo drainage courses located within the Project site to provide for higher quality habitat conditions than exist prior to the time of Project implementation.
14. Implement a Water Quality Management Program within the Project site that will utilize existing natural treatment systems and that will improve the quality of urban runoff from off-site and on-site sources prior to discharging into the Santa Ana River and the Semeniuk Slough.
15. Implement fire protection management solutions designed to protect development areas from fire hazards, to preserve sensitive habitat areas, and to create fire-resistant habitat restoration areas within currently denuded, invasive-species laden, and/or otherwise degraded areas.
16. Provide compatibility between the Project and existing adjacent land uses.

V. PROJECT ALTERNATIVES

Section 15126.6(a) of the State CEQA Guidelines requires that "an EIR describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives". Six alternatives were evaluated. In addition, to the six alternatives that were carried forward for evaluation in this EIR, three alternatives were considered but not carried forward.

The alternatives were developed to avoid or minimize impacts associated with implementation of the proposed Project. Given the nature and scale of the Project, complete avoidance of significant impacts was not feasible for any alternative other than the No Project Alternative.

Alternatives Considered But Not Carried Forward

Various alternatives were evaluated as part of the City of Newport Beach General Plan Update process. Since the City of Newport Beach City Council already took action on the General Plan and provided

direction on the development concept for the site, these alternatives were not carried forward. In addition, as part of this EIR process, three alternatives were considered but not carried forward.

Development of the Project Site Consistent with the County of Orange General Plan and Zoning Designations

The zoning for the 361 acres of the Project site within the County jurisdiction would allow for development of up to 2,510 multi-family dwelling units, 225 single-family dwelling units, 50,000 sf of general commercial use, 235,600 sf of general office use, and 164,400 sf of industrial uses. Overlay zones, including Oil Production, Sign Restriction, and Floodplain Zone 2 apply to portions of the property. Development of property pursuant to the County zoning would generate approximately 22,075 average daily trips on the circulation network (Newport Beach 2006a, 2006b). This alternative was not retained for detailed evaluation in the EIR because it would not reduce identified impacts of the project and would not achieve several important project objectives.

Alternative Site

Development of the Project on an alternative site has been reviewed and eliminated from detailed consideration due to the lack of available alternate sites meeting the majority of the objectives established for the proposed Project. Newport Beach is almost fully developed with no other unentitled property that is suitable for supporting a mixed-use project such as Newport Banning Ranch.

Construction of General Plan Roads

Both the City of Newport Beach General Plan Master Plan of Streets and Highways and the Orange County MPAH depict two connections to West Coast Highway through the Project site. One connection is depicted as extending south from 19th Street to West Coast Highway and the second roadway would extend from 15th Street past Bluff Road and connect with West Coast Highway on the western edge of the Project site. The need for these two primary roads was based on the environmental baseline that the 2006 General Plan Update used, which assumed more intense development on the Project site. Based on the reduced density being proposed, only one roadway is needed to serve the travel demand. This alternative would have had more impacts due to the need for the construction of an additional roadway.

VI. ALTERNATIVES ANALYZED

Alternatives analyzed in this EIR are listed and summarized below.

- Alternative A: No Action/No Development Alternative (Continuation of Existing Land Uses).
- Alternative B: Newport Beach General Plan/Open Space Designation.
- Alternative C: Proposed Project with Bluff Road Extending to 17th Street.
- Alternative D: Reduced Development and Development Area.
- Alternative E: Reduced Development Area.
- Alternative F: Increased Open Space/Reduced Development Area.

Alternative A: No Action/No Development Alternative (Continuation of Existing Land Uses)

Alternative A is the “no project” alternative required by the State CEQA Guidelines Section 15126.6(e) which allows the decisionmakers to compare the potential impacts of the proposed Project with the potential impacts of not approving the proposed Project. Alternative A assumes existing conditions on the Project site and the continuation and possible expansion of oil exploration and oil production operations within the constraints of the Project site’s existing California Coastal Act regulatory exemption for petroleum production. No uses other than oil operations would occur on the Project site. Oil consolidation, clean-up, and remediation would not occur for the foreseeable future, and public access would not be provided. At the eventual cessation of oil production operations, well abandonment and removal of certain surface equipment and pipelines would occur in accordance with applicable State and local regulations. This alternative would not require an amendment to the City of Newport Beach General Plan or Orange County

MPAH, a zone change, a Coastal Development Permit, or any of the other actions associated with the Newport Banning Ranch Project. The approximate 361 acres of the 401-acre site within the City's Sphere of Influence would not be annexed into the City of Newport Beach.

Alternative A would have greater impacts than the proposed Project when evaluating consistency with applicable plans and policies. However, since with this alternative the site would not be annexed into the City of Newport Beach, the City planning programs would not be applicable to the majority of the site. This alternative would not have any impacts that are significant and unavoidable, whereas the proposed project would have significant unavoidable impacts associated with land use compatibility (due to noise, and night lighting), aesthetics, transportation, air quality, greenhouse gas emissions, and noise.

Alternative B: Newport Beach General Plan/Open Space Designation

The Project site is designated as OS(RV) in the City of Newport Beach General Plan's Land Use Element. The OS(RV) land use designation allows for both a Primary Use (Open Space) and an Alternative Use (Residential Village) on the Project site. The Land Use Element prioritizes the retention of the Project site for open space. The Project site would have to be acquired through public or private funding by an entity capable of restoring and maintaining the Project site and with the approval of the property owner(s), including the surface rights owners. As described in the General Plan, the open space acquisition option includes consolidation of oil operations; wetlands restoration; construction of roadways; and provision of nature education, interpretative facilities, and an active park that contains lighted playfields and other facilities.

Alternative B would include park and open space uses, including an approximately 31.3-gross acre community park in the central portion of the site. Alternative B also assumes consolidation of the oilfields, remediation of the property, and restoration of habitat including wetlands. Additionally, the following roadways would be constructed consistent with the City of Newport Beach General Plan's Circulation Element: (1) a north-south road with a southern terminus at West Coast Highway and extending to a northern terminus at 19th Street (Bluff Road and North Bluff Road); (2) the extension of 15th Street from its existing terminus to Bluff Road within the Project site; (3) the extension of 16th Street from its existing terminus to Bluff Road within the Project site; and (4) the extension of 17th Street from its existing terminus to Bluff Road within the Project site. As with the proposed Project, Alternative B also assumes the deletion of the future extension of a second road through the Project site and its connection to West Coast Highway; this action would require the approval of a General Plan Amendment to the City's Circulation Element and an amendment to the Orange County MPAH. Consistent with the roadway assumptions for the proposed Project, North Bluff Road (extending from 17th Street to 19th Street) would transition from a four-lane divided to a two-lane undivided road to 19th Street.

In addition to, or included in, the costs associated with site acquisition, funds would be required to initiate the consolidation of oil operations and to address oilfield abandonment and clean-up of the Project site. Additional funding would be required to implement restoration and long-term management of sensitive habitats and to construct public infrastructure; park and open space uses; and roadways. As with the proposed Project, a Coastal Development Permit would be required to initiate restoration activities and to allow for the future construction of permitted land uses and roadways through the Project site.

Alternative B would eliminate significant and unavoidable impacts associated with traffic, air quality, greenhouse gases, and certain noise impacts when compared to the proposed Project; however, there would still be impacts that could not be reduced to a level considered less than significant. The following areas would have significant, unavoidable impacts:

- There would be land use incompatibility with respect to night illumination associated with the Community Park and long-term noise impacts on those Newport Crest residences immediately contiguous to the Project site. In addition, there would be a potential long-range noise impacts for residents on 17th Street west of Monrovia Avenue. For noise, though mitigation is proposed, noise impacts would remain significant if the residents of Newport Crest elect not to implement the mitigation measures to reduce the increased interior noise levels and if the City of Costa Mesa does not implement the recommended measure of resurfacing the street with rubberized asphalt (Threshold 4.1-1).

- Alternative B would introduce nighttime lighting into a currently unlit area. The Community Park is anticipated to have night lighting of active sports fields, which could result in light spillover onto adjacent properties. The night lighting impacts are considered significant and unavoidable. The City of Newport Beach General Plan Final EIR found that the introduction of new sources of lighting associated with development of the site would be considered significant and unavoidable. In certifying the General Plan Final EIR and approving the General Plan project, the City approved a Statement of Overriding Considerations, which notes that there are specific economic, social, and other public benefits that outweigh the significant and unavoidable impacts associated with the General Plan project (Threshold 4.2-3).
- Construction of the roadways and park would cause a substantial temporary increase in noise levels at residences and schools within 500 feet of the roadway and park construction because of existing relatively low ambient noise levels. Due to the low existing ambient noise levels, the proximity of the noise-sensitive receptors, and duration of construction activities, the temporary noise increases would be significant and unavoidable (Threshold 4.12-2).

This alternative is deemed to be potentially feasible. The financial feasibility of this alternative is dependent upon the ability of a responsible party to obtain sufficient funds to acquire the site and fund clean-up, restoration, and long-term maintenance of the site. Therefore, the ultimate determination of feasibility is a consideration for decision makers.

Alternative C: Proposed Project with Bluff Road Extending to 17th Street

Alternative C assumes the same land uses and same development plan as the proposed Newport Banning Ranch Project and would require the same approvals from local and regional agencies. The City of Newport Beach General Plan's Circulation Element and the Orange County MPAH depict a north-south roadway connection from West Coast Highway to 19th Street through the Project site. Alternative C would provide the development of a north-south connection (North Bluff Road/Bluff Road) from West Coast Highway only to 17th Street. As with the proposed Project, Alternative C assumes an amendment to the Circulation Element to delete a second road through the Project site and its connection to West Coast Highway. An amendment to the Orange County MPAH is required for this deletion as well as to downgrade North Bluff Road from a Major to a Primary. Alternative C is proposed to minimize significant impacts to sensitive habitat areas and landform alteration associated with the extension of North Bluff Road from just north of 17th Street to 19th Street.

The following is a summary of the significant, unavoidable impacts associated with Alternative C:

- There would be land use incompatibility with respect to night illumination associated with the Community Park and long-term noise impacts on those Newport Crest residences immediately contiguous to the Project site. In addition, there would be a potential long-range noise impacts for residents on 17th Street west of Monrovia Avenue. For noise, though mitigation is proposed, noise impacts would remain significant if the residents of Newport Crest elect not to implement the mitigation measures to reduce the increased interior noise levels and if the City of Costa Mesa does not implement the recommended measure of resurfacing the street with rubberized asphalt (Threshold 4.1-1).
- Alternative C would include a "dark sky" lighting regulations in the NBR-PC that would apply to businesses (e.g., resort inn and neighborhood commercial uses) and Homeowners Association-owned and operated land uses within 100 feet of the Open Space Preserve. However, Alternative C would introduce nighttime lighting into a currently unlit area. The Community Park is anticipated to have night lighting of active sports fields, which could result in light spillover onto adjacent properties. The night lighting impacts are considered significant and unavoidable. The City of Newport Beach General Plan Final EIR found that the introduction of new sources of lighting associated with development of the site would be considered significant and unavoidable. In certifying the General Plan Final EIR and approving the General Plan project, the City approved a Statement of Overriding Considerations, which notes that there are specific economic, social, and other public benefits that outweigh the significant and unavoidable impacts associated with the General Plan project (Threshold 4.2-3).

- Alternative C would have impacts on intersections in the City of Costa Mesa. Implementation of MM 4.9-2 would mitigate the impacts to a level considered less than significant. However, the City of Newport Beach cannot impose mitigation on another jurisdiction. Therefore, if the Applicant is unable to reach an agreement with the City of Costa Mesa that would ensure that Project impacts occurring in Costa Mesa would be mitigated concurrent with or preceding the impact, for purposes of this EIR, the impacts to be mitigated by the improvements would remain significant and unavoidable. Pursuant to Threshold 4.9-2, the following impacts were identified with the various traffic scenarios evaluated:
 - *Existing Plus Alternative C.* Alternative C would significantly impact four intersections in Costa Mesa, whereas the proposed Project would significantly impact three intersections in Costa Mesa.
 - *Year 2016 With Alternative C Transportation Phasing Ordinance (TPO).* Alternative C would significantly impact five intersections, compared to seven for the proposed Project.
 - *Year 2016 Cumulative With Alternative C.* Alternative C would significantly impact six intersections; the proposed Project would significantly impact seven intersections.
 - *General Plan Build-out with Alternative C.* Alternative C would significantly impact four intersections compared to the proposed Project would significantly impact two intersections.
- Without mitigation, regional (mass) emissions of nitrogen oxides (NOx) are forecasted to exceed applicable thresholds in some construction years. Though MM 4.10-1 would reduce the emissions to a less than significant level, the availability of sufficient Tier 4 diesel engine construction equipment cannot be assured. Therefore, for purposes of this EIR, the impacts are found to be significant and unavoidable impact (Threshold 4.10-2).
- Long-term operational emissions of criteria pollutants would not exceed the SCAQMD mass emissions thresholds from initial occupancy through 2020. However, as Alternative C development continues beyond 2020, emissions of volatile organic compounds (VOC) and carbon monoxide (CO) would exceed the significance thresholds, principally due to vehicle operations. Therefore, the impacts remain significant and unavoidable (Threshold 4.10-2).
- Alternative C would have cumulatively considerable contributions to regional pollutant concentrations of ozone (O3) (Threshold 4.10-3).
- Alternative C would emit quantities of greenhouse gases (GHGs) that would exceed the City's 6,000 metric tons of carbon dioxide equivalent per year (MTCO2e/yr) significance threshold. Development associated with Alternative C would make a cumulatively considerable contribution to the global GHG inventory affecting global climate change (Threshold 4.11-1).
- For the Existing Plus Project, 2016 with Project, and General Plan Build-out scenarios, the increased traffic volumes on 17th Street west of Monrovia Avenue would expose sensitive receptors to noise level increases in excess of the City of Newport Beach's standards for changes to the ambient noise levels. At build-out, noise levels would also exceed significance thresholds in the City of Costa Mesa. MM 4.12-5 requires the Applicant to provide funds to the City of Costa Mesa to resurface the street with rubberized asphalt; however, the City of Newport Beach has no ability to ensuring that the mitigation would be implemented. Therefore, the forecasted impact to residents of 17th Street west of Monrovia is considered significant and unavoidable (Threshold 4.12-2).
- For portions of the Newport Crest development, there would be a significant increase in the ambient noise level due to the projected traffic volumes in the buildout condition of Alternative C. MM 4.12-6 would reduce impacts to levels within the "Clearly Compatible" or "Normally Compatible" classifications but would remain above the 5 dBA significance criterion in the General Plan. MM 4.12-7 would provide interior noise attenuation but because the City of Newport Beach does not have the authority to mandate the implementation of mitigation on private property that is not on the Project site, the impact would be significant and unavoidable (Thresholds 4.12-4).

- Use of construction equipment would result in a substantial temporary increase in ambient noise levels to nearby noise-sensitive receptors in the vicinity of the Project. Due to the low existing ambient noise levels, the proximity of the noise-sensitive receptors, and duration of construction activities, the temporary noise increases would be significant and unavoidable (Threshold 4.12-2).

Alternative D: Reduced Development and Development Area

Alternative D assumes both a reduction in the amount of development that would occur on the Project site and a reduction in the acreage associated with that development. The roadway system would be the same as that included in the proposed Project. When compared to the proposed Project, Alternative D would allow for up to 1,200 du (compared to 1,375 du), 60,000 sf of neighborhood commercial uses (compared to 75,000 sf); 15,000 sf of visitor-serving commercial uses (compared to a 75-room resort inn); approximately 39.1 acres of parks including a 24.8-gross-acre Community Park (compared to approximately 51.4 total acres of parklands associated with the proposed Project). Alternative D does not include a Nature Center or interpretive trails. Open space uses would increase from 251.7 gross acres to 269.1 gross acres. The development area (residential, commercial, and visitor-serving uses) would decrease from 98 gross acres to 92.9 gross acres. This alternative does not assume a pedestrian and bicycle bridge spanning West Coast Highway. Alternative D would require the same discretionary actions as noted for the proposed Project. Alternative D is proposed to reduce impacts associated with the intensity of development (e.g., vehicle trips, vehicle miles travelled, noise and air quality impacts) and the footprint of development (e.g., biological resources).

This Alternative does not eliminate any of the significant impacts of the proposed project, but would substantially lessen the impacts because Alternative D would have a smaller footprint (approximately 11 percent less acres of developed with urban uses and parkland), involve less grading, and have less development (no resort inn and a reduction of approximately 13 percent in the number of units). Construction air emissions would remain significant and unavoidable, but would be lessened. The following is a summary of the significant, unavoidable impacts associated with Alternative D:

- There would be land use incompatibility with respect to night illumination associated with the Community Park and long-term noise impacts on those Newport Crest residences immediately contiguous to the Project site. In addition, there would be a potential long-range noise impacts for residents on 17th Street west of Monrovia Avenue. For noise, though mitigation is proposed, noise impacts would remain significant if the residents of Newport Crest elect not to implement the mitigation measures to reduce the increased interior noise levels and if the City of Costa Mesa does not implement the recommended measure of resurfacing the street with rubberized asphalt (Threshold 4.1-1).
- Alternative D would include a "dark sky" lighting regulations in the NBR-PC that would apply to businesses (e.g., visitor-serving commercial and neighborhood commercial uses) and Homeowners Association-owned and operated land uses within 100 feet of the Open Space Preserve. However, Alternative D would introduce nighttime lighting into a currently unlit area. The Community Park is anticipated to have night lighting of active sports fields, which could result in light spillover onto adjacent properties. The night lighting impacts are considered significant and unavoidable. The City of Newport Beach General Plan Final EIR found that the introduction of new sources of lighting associated with development of the site would be considered significant and unavoidable. In certifying the General Plan Final EIR and approving the General Plan project, the City Council approved a Statement of Overriding Considerations, which notes that there are specific economic, social, and other public benefits that outweigh the significant and unavoidable impacts associated with the General Plan project (Threshold 4.2-3).
- When compared to the proposed Project, Alternative D would have a reduction of average daily trips (ADT) and PM peak hour trips, but an increase in AM peak hour trips. Based on the lower volume of ADT and PM peak hour volumes, Alternative D would not create additional roadway or intersection deficiencies. Both Alternative D and the proposed Project would be expected to result in a significant impact at one intersection in the City of Newport Beach and seven intersections in the City of Costa Mesa. Impacts to the intersection of Newport Boulevard at West Coast Highway in the City of Newport Beach can be mitigated to a level considered less than significant. Alternative D would impact the following Costa Mesa intersections: Newport Boulevard at 19th Street, Newport Boulevard at Harbor Boulevard, Newport Boulevard at 18th

Street/Rochester, Newport Boulevard at 17th Street, Monrovia at 19th Street, Pomona Avenue at 17th Street, and Superior Avenue at 17th Street. Implementation of MM 4.9-2 would mitigate the impact to a level considered less than significant. However, the City of Newport Beach cannot impose mitigation on another jurisdiction. Therefore, if the Applicant is unable to reach an agreement with the City of Costa Mesa that would ensure that Alternative D impacts occurring in Costa Mesa would be mitigated concurrent with or preceding the impact, for purposes of this EIR, the impacts to be would remain significant and unavoidable (Threshold 4.9-2).

- Alternative D would have construction-related air quality impacts. During grading, large and fine particulate matter (PM10 and PM2.5, respectively) concentrations may exceed the SCAQMD CEQA significance thresholds at the property lines, but would not be likely to exceed ambient air quality standards (Threshold 4.10-2).
- Long-term operational emissions of criteria pollutants would not exceed the SCAQMD mass emissions thresholds from initial occupancy through 2020. However, as development continues beyond 2020, emissions of VOCs, CO, and PM10 would exceed the significance thresholds, principally due to vehicle operations (Threshold 4.10-2).
- Alternative D would have a significant cumulative air quality impact because its contribution to regional pollutant concentrations would be cumulatively considerable (Threshold 4.10-3).
- Alternative D would emit quantities of GHGs that would exceed the City's 6,000 MTCO2e/yr significance threshold. Similar to the Project, Alternative D would make a cumulatively considerable contribution to the global GHG inventory affecting global climate change (Threshold 4.11-1).
- The increased traffic volumes on 17th Street west of Monrovia Avenue would expose sensitive receptors to noise levels in excess of the City of Newport Beach's standards for changes to the ambient noise levels. At build-out, noise levels would also exceed significance thresholds in the City of Costa Mesa (Threshold 4.12-2).
- For portions of the Newport Crest development, there would be a significant increase in the ambient noise level due to the projected traffic volumes in the buildout condition. MM 4.12-6 would reduce impacts to levels within the "Clearly Compatible" or "Normally Compatible" classifications but would remain above the 5 dBA significance criterion in the General Plan. MM 4.12-7 would provide interior noise attenuation but because the City of Newport Beach does not have the authority to mandate the implementation of mitigation on private property that is not on the Project site, the impact would be significant and unavoidable (Threshold 4.12-4).
- Use of construction equipment would result in a substantial temporary increase in ambient noise levels to nearby noise-sensitive receptors in the vicinity of the Project. Due to the low existing ambient noise levels, the proximity of the noise-sensitive receptors, and duration of construction activities, the temporary noise increases would be significant and unavoidable (Threshold 4.12-2).

Alternative E: Reduced Development Area

Alternative E assumes the same number of residential units (1,375 du) as proposed by the Project within a reduced footprint. The development area (residential, commercial, and visitor-serving uses) would decrease from 98 gross acres to 92.9 gross acres. Residential units would be provided at a higher density and on smaller lots than assumed for the proposed Project. The same roadway system is proposed. As with Alternative D, this alternative does not include a Nature Center or interpretive trails; it provides 60,000 sf of neighborhood commercial uses (compared to 75,000 sf); provides 15,000 sf of visitor-serving commercial uses instead of the resort inn; and provides approximately 39.1 acres of parks, including a 24.8-gross-acre Community Park (compared to approximately 51.4 total acres of parklands with the Project). This alternative does not assume a pedestrian and bicycle

bridge spanning West Coast Highway. Alternative E would require the same discretionary actions as noted for the proposed Project.

Although with Alternative E there would be incremental reduction in impacts due to the reduction in development and the area being developed, this alternative would not eliminate any of the unavoidable significant impacts identified with the proposed Project. This Alternative would increase the overall VMT; therefore, there would be slightly greater long-term air emissions, noise, and traffic. The following significant unavoidable impacts would occur with Alternative E:

- There would be land use incompatibility with respect to night illumination associated with the Community Park and long-term noise impacts on those Newport Crest residences immediately contiguous to the Project site. In addition, there would be a potential long-range noise impacts for residents on 17th Street west of Monrovia Avenue. For noise, though mitigation is proposed, noise impacts would remain significant if the residents of Newport Crest elect not to implement the mitigation measures to reduce the increased interior noise levels and if the City of Costa Mesa does not implement the recommended measure of resurfacing the street with rubberized asphalt (Threshold 4.1-1).
- Alternative E would include a “dark sky” lighting regulations in the NBR-PC that would apply to businesses (e.g., visitor-serving commercial and neighborhood commercial uses) and Homeowners Association-owned and operated land uses within 100 feet of the Open Space Preserve. However, Alternative E would introduce nighttime lighting into a currently unlit area. The Community Park is anticipated to have night lighting of active sports fields, which could result in light spillover onto adjacent properties. The night lighting impacts are considered significant and unavoidable. The City of Newport Beach General Plan Final EIR found that the introduction of new sources of lighting associated with development of the site would be considered significant and unavoidable. In certifying the General Plan Final EIR and approving the General Plan project, the City approved a Statement of Overriding Considerations, which notes that there are specific economic, social, and other public benefits that outweigh the significant and unavoidable impacts associated with the General Plan project (Threshold 4.2-3).
- Alternative E is expected to have an increase in ADT and peak hour traffic volumes when compared to the proposed Project. However, this increase in peak hour volumes is not anticipated to cause any of the intersections operating at an acceptable level of service with the Project to operate at an unacceptable level of service this alternative. Both Alternative E and the proposed Project would be expected to result in deficiencies at the intersection of Newport Boulevard at West Coast Highway in the City Newport Beach which can be mitigated to a level considered less than significant. Both Alternative E and the proposed Project would be expected to significantly impact seven intersections in Costa Mesa: Newport Boulevard at 19th Street, Newport Boulevard at Harbor Boulevard, Newport Boulevard at 18th Street/Rochester, Newport Boulevard at 17th Street, Monrovia at 19th Street, Pomona Avenue at 17th Street, and Superior Avenue at 17th Street. Implementation of MM 4.9-2 would mitigate the impacts to a level considered less than significant. However, the City of Newport Beach cannot impose mitigation on another jurisdiction. Therefore, if the Applicant is unable to reach an agreement with the City of Costa Mesa that would ensure that Alternative E impacts occurring in Costa Mesa would be mitigated concurrent with or preceding the impact, for purposes of this EIR, the impacts to be mitigated by the improvements would remain significant and unavoidable (Threshold 4.9-2).
- Without mitigation, regional (mass) emissions of NOx are forecasted to exceed applicable thresholds in some construction years. Though MM 4.10-1 would reduce the emissions to less than significant levels, the availability of sufficient Tier 4 diesel engine construction equipment

cannot be assured. Therefore, for purposes of this EIR, the impacts are found to be significant and unavoidable impact (Threshold 4.10-2).

- Long-term operational emissions of criteria pollutants would not exceed the SCAQMD mass emissions thresholds from initial occupancy through 2020. However, as Project development continues beyond 2020, emissions of volatile organic compounds (VOCs) and carbon monoxide (CO) would exceed the significance thresholds, principally due to vehicle operations. Therefore, the impacts remain significant and unavoidable (Threshold 4.10-2).
- Alternative E would have cumulatively considerable contributions to regional pollutant concentrations of O₃ (Threshold 4.10-3).
- Alternative E would emit quantities of GHGs that would exceed the City's 6,000 MTCO₂e/yr significance threshold. Similar to the Project, Alternative E would make a cumulatively considerable contribution to the global GHG inventory affecting global climate change (Threshold 4.11-1).
- For portions of the Newport Crest development, there would be a significant increase in the ambient noise level due to the projected traffic volumes in the buildout condition. MM 4.12-6 would reduce impacts to levels within the "Clearly Compatible" or "Normally Compatible" classifications but would remain above the 5 dBA significance criterion in the General Plan. MM 4.12-7 would provide interior noise attenuation but because the City of Newport Beach does not have the authority to mandate the implementation of mitigation on private property that is not on the Project site, the impact would be significant and unavoidable (Threshold 4.12-2).
- The increased traffic volumes on 17th Street west of Monrovia Avenue would expose sensitive receptors to noise levels in excess of the City of Costa Mesa's standards. MM 4.12-5 requires the Applicant to provide funds to the City of Costa Mesa to resurface the street with rubberized asphalt; however, the City of Newport Beach has no ability to assure that the mitigation would be implemented. Therefore, the forecasted impact to residents of 17th Street west of Monrovia is considered significant and unavoidable (Threshold 4.12-4).
- Use of construction equipment would result in a substantial temporary increase in ambient noise levels to nearby noise-sensitive receptors in the Project vicinity. The temporary noise increases would be significant and unavoidable due to the low existing ambient noise levels, the proximity of the noise-sensitive receptors, and duration of construction activities (Threshold 4.12-2).

Alternative F: Increased Open Space/Reduced Development Area

Alternative F assumes the same number of residential units (1,375 du) as proposed by the Project within a reduced footprint. The development area (residential and commercial) would decrease from 97.4 gross acres to 84.0 gross acres. This alternative does not include a resort inn or visitor-serving commercial uses. Residential units would be provided at a higher density and on smaller lots than assumed for the proposed Project. The same roadway system is proposed. Open space uses would increase from 252.3 gross acres to 282.4 gross acres. This alternative does not include a Nature Center or interpretive trails; it provides 60,000 sf of neighborhood commercial uses (compared to 75,000 sf); and includes approximately 34.7 acres of parks, including a 21.8-gross-acre Community Park (compared to approximately 51.4 total acres of parklands).² This alternative does not assume a pedestrian and bicycle bridge spanning West Coast Highway. Alternative F would require the same discretionary actions as noted for the proposed Project.

The following is a summary of the significant, unavoidable impacts associated with Alternative F:

- There would be land use incompatibility with respect to night illumination associated with the Community Park and long-term noise impacts on those Newport Crest residences immediately contiguous to the Project site. In addition, there would be a potential long-range noise impacts for residents on 17th Street west of Monrovia Avenue. For noise, though mitigation is proposed, noise impacts would remain significant if the residents of Newport Crest elect not to implement the mitigation measures to reduce the increased interior noise levels and if the City of Costa Mesa does not implement the recommended measure of resurfacing the street with rubberized asphalt (Threshold 4.1-1).
- Alternative F would include a “dark sky” lighting regulations in the NBR-PC that would apply to businesses (e.g., neighborhood commercial uses) and Homeowners Association-owned and operated land uses within 100 feet of the Open Space Preserve. However, Alternative F would introduce nighttime lighting into a currently unlit area. The Community Park is anticipated to have night lighting of active sports fields, which could result in light spillover onto adjacent properties. The night lighting impacts are considered significant and unavoidable. The City of Newport Beach General Plan Final EIR found that the introduction of new sources of lighting associated with development of the site would be considered significant and unavoidable. In certifying the General Plan Final EIR and approving the General Plan project, the City approved a Statement of Overriding Considerations, which notes that there are specific economic, social, and other public benefits that outweigh the significant and unavoidable impacts associated with the General Plan project (Threshold 4.2-3).
- Alternative F would be projected to result in a decrease in ADT and peak hour traffic volumes when compared to the proposed Project. This decrease in peak hour volumes would not cause any of the intersections operating at an acceptable level of service with the Project to operate at an unacceptable level of service. Both Alternative F and the proposed Project would be expected to result in deficiencies at the intersection of Newport Boulevard at West Coast Highway in the City of Newport Beach which can be mitigated to a level considered less than significant. Alternative F and the proposed Project would significantly impact seven intersections in Costa Mesa: Newport Boulevard at 19th Street, Newport Boulevard at Harbor Boulevard, Newport Boulevard at 18th Street/Rochester, Newport Boulevard at 17th Street, Monrovia at 19th Street, Pomona Avenue at 17th Street, and Superior Avenue at 17th Street. Implementation of MM 4.9-2 would mitigate the impact to a level considered less than significant. However, the City of Newport Beach cannot impose mitigation on another jurisdiction. Therefore, if the Applicant is unable to reach an agreement with the City of Costa Mesa that would ensure that Alternative F impacts occurring in Costa Mesa would be mitigated concurrent with or preceding the impact, for purposes of this EIR, the impacts to be mitigated by the improvements would remain significant and unavoidable (Threshold 4.9-2).
- Without mitigation, regional (mass) emissions of NO_x are forecasted to exceed applicable thresholds in some construction years. Though MM 4.10-1 would reduce the emissions to less than significant levels, the availability of sufficient Tier 4 diesel engine construction equipment cannot be assured. Therefore, for purposes of this EIR, the impacts are found to be significant and unavoidable (Threshold 4.10-2).
- Long-term operational emissions of criteria pollutants would not exceed the SCAQMD mass emissions thresholds from initial occupancy through 2020. However, as development continues beyond 2020, emissions of VOCs and CO would exceed the significance thresholds, principally due to vehicle operations (Threshold 4.10-2).

- Alternative F would have a cumulatively considerable contribution to regional pollutant concentrations of O₃ (Threshold 4.10-3).
- Alternative F would emit quantities of GHGs that would exceed the City's 6,000 MTCO₂e/yr significance threshold. Similar to the Project, Alternative F would make a cumulatively considerable contribution to the global GHG inventory affecting global climate change (Threshold 4.11-1).
- The increased traffic volumes on 17th Street west of Monrovia Avenue would expose sensitive receptors to noise levels in excess of the City of Newport Beach's standards for changes to the ambient noise levels. At buildout, noise levels would also exceed significance thresholds in the City of Costa Mesa. MM 4.12-5 requires the Applicant to provide funds to the City of Costa Mesa to resurface the street with rubberized asphalt; however, the City of Newport Beach has no ability to ensuring that the mitigation would be implemented. Therefore, the forecasted impact to residents of 17th Street west of Monrovia is considered significant and unavoidable (Threshold 4.12-2).
- For portions of the Newport Crest development, there would be a significant increase in the ambient noise level due to the projected traffic volumes in the buildout condition. MM 4.12-6 would reduce impacts to levels within the "Clearly Compatible" or "Normally Compatible" classifications but would remain above the 5 dBA significance criterion in the General Plan. MM 4.12-7 would provide interior noise attenuation but because the City of Newport Beach does not have the authority to mandate the implementation of mitigation on private property that is not on the Project site, the impact would be significant and unavoidable (Threshold 4.12-4).
- Use of construction equipment would result in a substantial temporary increase in ambient noise levels to nearby noise-sensitive receptors in the vicinity of the Project. Due to the low existing ambient noise levels, the proximity of the noise-sensitive receptors, and duration of construction activities, the temporary noise increases would be significant and unavoidable (Threshold 4.12-2).

Environmentally Superior Alternative

CEQA requires the identification of an environmentally superior alternative. Section 15126.6(e)(2) of the State CEQA Guidelines states that if the No Project Alternative is the environmentally superior alternative, then the EIR shall also identify an environmentally superior alternative among the other alternatives. Based on the evaluation contained in this EIR, Alternative B—General Plan Open Space Designation—would be the environmentally superior alternative because it provides for restoration of the Project site and maintains the greatest amount of open space. While this alternative would have greater impacts than the No Project Alternative in the near-term, the long-term benefits associated with site restoration would be environmentally superior to maintaining the site as an oilfield.

Although Alternative B is the environmentally superior alternative, there are significant challenges affecting its feasibility. Additionally, Alternative B does not meet a number of the project objectives. Therefore, an environmentally superior development alternative is also being identified. Alternative F would provide development that is generally consistent with the General Plan Residential Village designation and would be able to meet almost of the project objectives. Although this Alternative does not eliminate any of the significant impacts of the Project, it does substantially lessen the impacts by reducing the amount of land that would be subject to development, and increasing the amount of undeveloped open space by almost 30 acres, it provides greater protection of the environment. This alternative provides greater protection of the environment by reducing the area of non-open spaces uses by approximately 20 percent.

VII. SUMMARY OF PROJECT ENVIRONMENTAL IMPACTS AND MITIGATION PROGRAM

SUMMARY OF EFFECTS WITH NO IMPACT

Throughout preparation of the EIR, the City of Newport Beach Environmental Checklist was used to determine the impact categories to evaluate the potentially significant environmental effects of the proposed Project. The following includes a discussion of the impact categories where the proposed Project would have "no impact" and a summary discussion of why this determination was reached. There is no further evaluation of these Environmental Checklist questions in the EIR.

Agriculture and Forest Resources

The Project site does not contain Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. No portion of the Project site is covered by a Williamson Act Contract. Additionally, the Project site does not include forest resources, including timberlands, and is not zoned for agriculture. For these reasons, no significant impacts would occur and these topics are not addressed in the EIR.

Aesthetics and Visual Resources

The State CEQA Guidelines ask for an evaluation of the following: "Would the Project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State Scenic Highway?" The Project area is not adjacent to, nor can it be viewed from a designated State scenic highway. For this reason, no impact would occur and this topic is not addressed in the EIR.

Geology and Soils

The State CEQA Guidelines ask for an evaluation of the following: "Would the project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?"

The proposed Project would not use septic systems or alternative waste water disposal systems. For this reason, no impact would occur and this topic is not addressed in the EIR.

Hazards and Hazardous Materials

The State CEQA Guidelines ask for an evaluation of the following: "For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?" The Newport Banning Ranch Project site is not located within an adopted Airport Land Use Plan. The nearest airport/airstrip is the John Wayne Airport, which is located approximately four miles northeast of the Project site.

The State CEQA Guidelines ask for an evaluation of the following: "For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?" A discussion of this topic is not necessary because there is no private airstrip in proximity to the Project site.

For these reasons, no impacts would occur and these topics are not addressed in the EIR.

Population, Housing, and Employment

The State CEQA Guidelines asks for an evaluation of the following two issues: (1) "Would the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?" and (2) "Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?"

There are no existing residential units on the Project site. The Project proposes the development of up to 1,375 du on the Project site. Therefore, the Project would not displace existing residential units or residents and the Project would not necessitate the need for replacement housing. For these reasons, this topic is not addressed in the EIR.

SUMMARY OF SIGNIFICANT UNAVOIDABLE IMPACTS

An impact that remains significant after including all feasible mitigation measures is considered a significant and unavoidable impact. The impacts discussed below have been identified as significant and unavoidable for the Project.

Land Use and Related Planning Programs

- There would be land use incompatibility with respect to long-term noise and night illumination predominately from the Community Park on those Newport Crest residences immediately contiguous to the Project site. The City of Newport Beach General Plan Final EIR found that the introduction of new sources of lighting associated with development of the site would be considered significant and unavoidable. In certifying the General Plan Final EIR and approving the General Plan project, the City approved a Statement of Overriding Considerations which notes that there are specific economic, social, and other public benefits that outweigh the significant unavoidable impacts associated with the General Plan project. Though mitigation is proposed, noise impacts would remain significant if the residents of Newport Crest elect not to implement the mitigation measures to reduce the increased interior noise levels (Threshold 4.1-1).

Aesthetic and Visual Resources

- The proposed Project would include "dark sky" lighting concept for development areas adjacent to the Open Space Preserve. However, the Project would introduce nighttime lighting into a currently unlit area. The Project would result in night lighting impacts that are considered significant and unavoidable. The City of Newport Beach General Plan Final EIR found that the introduction of new sources of lighting associated with development of the site would be considered significant and unavoidable. In certifying the General Plan Final EIR and approving the General Plan project, the City approved a Statement of Overriding Considerations which notes that there are specific economic, social, and other public benefits which outweigh the significant unavoidable impacts associated with the General Plan project (Threshold 4.2-3).

Transportation and Traffic

- The Project would have impacts on intersections in the City of Costa Mesa. Implementation of MM 4.9-2 would mitigate the Project's impact to a level considered less than significant. However, the City of Newport Beach cannot impose mitigation on another jurisdiction. Therefore, if the Applicant is unable to reach an agreement with the City of Costa Mesa that would ensure that Project impacts occurring in Costa Mesa would be mitigated concurrent with or preceding the impact, for purposes of this EIR, the impacts to be mitigated by the improvements would remain significant and unavoidable (Threshold 4.9-2). The following impacts were identified with the various traffic scenarios evaluated:
 - Existing Plus Project Scenario – Intersections identified as deficient are (1) Newport Boulevard at Harbor Boulevard; (2) Newport Boulevard at 18th Street/Rochester Street; and (3) Superior Ave/17th Street. (This scenario assumes all development occurs at once, which is not an accurate reflection the timing for development of the proposed Project.)
 - Year 2016 With Project Transportation Phasing Ordinance (TPO) Analysis – Intersections identified as deficient are (1) Monrovia Avenue and 19th Street; (2) Newport Boulevard and 19th Street; (3) Newport Boulevard and Harbor Boulevard; (4) Newport Boulevard at 18th Street/Rochester Street; (5) Pomona Avenue and 17th Street; (6) Newport Boulevard at 17th Street; and (7) Superior Avenue and 17th Street.
 - Year 2016 With Phase 1 Project TPO Analysis – Intersections identified as deficient are (1) Newport Boulevard and Harbor Boulevard and (2) Newport Boulevard at 18th Street/Rochester Street.

- Year 2016 Cumulative With Project – Intersections identified as deficient are (1) Monrovia Avenue and 19th Street; (2) Newport Boulevard and 19th Street; (3) Newport Boulevard and Harbor Boulevard; (4) Newport Boulevard at 18th Street/Rochester Street; (5) Pomona Avenue and 17th Street; (6) Newport Boulevard at 17th Street; and (7) Superior Avenue and 17th Street.
- Year 2016 Cumulative With Phase 1 Project – Intersections identified as deficient are (1) Newport Boulevard at Harbor Boulevard and (2) Newport Boulevard at 18th Street/Rochester Street.
- General Plan Buildout with Project – Intersections identified as deficient are (1) Newport Boulevard at Harbor Boulevard and (2) Newport Boulevard at 18th Street/Rochester Street.

Air Quality

Without mitigation, regional (mass) emissions of NO_x are forecasted to exceed applicable thresholds in some construction years. Though MM 4.10-1 would reduce the emissions to less than significant levels, the availability of sufficient Tier 4 diesel engine construction equipment cannot be assured. Therefore, for purposes of this EIR, the impacts are found to be significant and unavoidable (Threshold 4.10-2).

- Long-term operational emissions of criteria pollutants would not exceed the SCAQMD mass emissions thresholds from initial occupancy through 2020. However, as Project development continues beyond 2020, emissions of VOC and CO would exceed the significance thresholds, principally due to vehicle operations. Therefore, the impacts remain significant and unavoidable (Threshold 4.10-2).
- The Project would have cumulatively considerable contributions to regional pollutant concentrations of O₃ (Threshold 4.10-3).

Greenhouse Gas Emissions

- The Project would emit quantities of GHGs that would exceed the City's 6,000 MTCO₂e/yr significance threshold. The Project would make a cumulatively considerable contribution to the global GHG inventory affecting global climate change (Threshold 4.11-1).

Noise

- The increased traffic volumes on 17th Street west of Monrovia Avenue in Costa Mesa would expose sensitive receptors to noise levels that would exceed City of Costa Mesa significance thresholds. MM 4.12-5 requires the Applicant to provide funds to the City of Costa Mesa to resurface the street with rubberized asphalt; however, the City of Newport Beach has no ability to assure that the mitigation would be implemented. Therefore, the forecasted impact to residents of 17th Street west of Monrovia Avenue is considered significant and unavoidable (Thresholds 4.12-1 and 4.12-2).
- For portions of the Newport Crest development, there would be a significant increase in the ambient noise level due to the projected traffic volumes in the buildout condition. MM 4.12-6 would reduce impacts to levels within the "Clearly Compatible" or "Normally Compatible" classifications but would remain above the 5 dBA significance criterion in the General Plan. MM 4.12-7 would provide interior noise attenuation but because the City of Newport Beach does not have the authority to mandate the implementation of mitigation on private property that is not on the Project site, the impact would be significant and unavoidable (Thresholds 4.12-1 and 4.12-4).
- Use of construction equipment would result in a substantial temporary increase in ambient noise levels to nearby noise-sensitive receptors in the vicinity of the Project. The temporary noise increases would be significant and unavoidable due to the low existing ambient noise levels, the proximity of the noise-sensitive receptors, and duration of construction activities (Threshold 4.12-2).

Attachment No. PC 2

Environmental Impact Report (EIR) SCH
No. 2009031061 (under separate cover)

Attachment No. PC 3

EIR Table 1-2 Summary of Significant
Impacts and Mitigation Program

TABLE 1-2
SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION PROGRAM

Thresholds Applied	Environmental Impacts/Level of Significance Before Mitigation	Summary of Mitigation Program: Project Design Features, Standard Conditions, and Mitigation Measures	Level of Significance After Mitigation
SECTION 4.1 – LAND USE AND RELATED PLANNING PROGRAMS			
Threshold 4.1-1: Would the project physically divide an established community?	<p>The proposed Project would not physically divide an established community. No impact would occur. No Impact</p> <p>There would be land use incompatibility with respect to long-term noise and night illumination from the Community Park on those Newport Crest residences immediately contiguous to the Project site. Significant Impact</p>	No mitigation is required.	No Impact
Threshold 4.1-2: Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<p>The Project is consistent with applicable land use policies. The proposed Project is consistent with the City's General Plan land use designation on the site of Residential Village. The Project proposes amendments to the City of Newport Beach Circulation Element Master Plan of Streets and Highways and the Orange County MPAH to modify the roadway system through the Project site; this is addressed in detail in Section 4.9. Transportation and Circulation. These modifications would not impact existing or proposed land use. The Project also proposes zoning modifications that would serve to provide a single Planned Community zoning document for the Project site. No Impact</p>	<p>Project Design Features</p> <p>PDF 4.1-1 The Project permits a maximum of 1,375 residential dwelling units and a variety of residential housing types to provide opportunities for a range of lifestyles.</p> <p>PDF 4.1-2 The Master Development Plan designates areas for a diverse public park system to include active, passive, and interpretive recreation opportunities.</p> <p>PDF 4.1-3 The Master Development Plan designates more than 240 gross acres of the Project site as open space, habitat restoration areas, and habitat preservation areas. The area designated for interim use as oil and gas production sites will revert to open space land use at the end of the oilfield's economic life.</p> <p>PDF 4.1-4 The Master Development Plan provides for a public Bluff Park as a visual and passive recreational amenity, trail corridor, and a transition between open space and development.</p> <p>PDF 4.1-5 Proposed uses adjacent to existing Newport Beach and Costa Mesa residential neighborhoods are limited to either parks or open space to provide a visual buffer between that community and Project development areas.</p>	No Impact

TABLE 1-2 (CONTINUED)
SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION PROGRAM

Thresholds Applied	Environmental Impacts/Level of Significance Before Mitigation	Summary of Mitigation Program: Project Design Features, Standard Conditions, and Mitigation Measures	Level of Significance After Mitigation
		<p>Standard Conditions and Requirements</p> <p>SC 4.1-1 The Project would be required to implement all applicable provisions of the Newport Beach General Plan; Newport Banning Ranch Planned Community Development Plan; all requirements and enactments of federal, State, and local agency authorities; as well as the requirements of any other governmental entities.</p>	
SECTION 4.2 – AESTHETICS AND VISUAL RESOURCES			
Threshold 4.2-1: Would the project have a substantial adverse effect on a scenic vista?	<p>The City does not have any designated scenic vistas and West Coast Highway is not a State- or locally-designated scenic highway. No Impact</p>	<p>Project Design Features</p> <p>PDF 4.1-4 from Section 4.1, Land Use, is applicable.</p> <p>PDF 4.6-4 from Section 4.6, Biological Resources, is applicable.</p>	No Impact
Threshold 4.2-2: Would the project substantially degrade the existing visual character or quality of the site and its surroundings?	<p>Development of the proposed Project would alter existing views of the Project site; however, due to extensive site planning, buffers, landscaping and architectural guidelines, the proposed project would not result in a significant topographical or aesthetic impact. The Project would create public views from the Project site of on-site and off-site scenic resources including the Pacific Ocean that are not currently available because of the property's existing oilfield operations. This is considered a beneficial impact. Less Than Significant Impact.</p>	<p>PDF 4.2-1 Contour grading will be used to minimize impacts to existing public view points from West Coast Highway.</p> <p>PDF 4.2-2 Habitable structures will be set back at least 60 feet from the tops of bluff edges.</p> <p>PDF 4.2-3 Landscaping will be provided around the perimeter of buildings that are proposed adjacent to Open Space Preserve areas to provide a transition.</p> <p>PDF 4.2-4 Architectural guidelines included in the Master Development Plan provide for a range of housing types and architectural styles and ensure designs that are sensitive to the natural resources and compatible with the character of Newport Beach communities within the Coastal Zone.</p>	Less Than Significant Impact

TABLE 1-2 (CONTINUED)
SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION PROGRAM

Thresholds Applied	Environmental Impacts/Level of Significance Before Mitigation	Summary of Mitigation Program: Project Design Features, Standard Conditions, and Mitigation Measures	Level of Significance After Mitigation
Threshold 4.2-3: Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	The proposed Project would include a "dark sky" lighting concept for development areas adjacent to the Open Space Preserve. However, the Project would introduce nighttime lighting into a currently unlit area. Consistent with the findings of the General Plan EIR, increased lighting on the Project site is considered a Significant, Unavoidable Impact	Project Design Features PDF 4.6-3 from Section 4.6, Biological Resources, is applicable. Mitigation Measures MM 4.2-1 Lighting within the development shall be directed and shielded so that light is directed away from the Open Space Preserve. Final lighting orientation and design shall be to the satisfaction of the Community Development Director or designee. Prior to final inspection, a photometric field inspection of the approved lighting system will be performed. Deviations and/or violations from the approved plan shall be corrected prior to issuance of certificate of occupancy for the Project. MM 4.2-2 The lighting plan for the Community Park shall be directed and shielded so that light is directed away from the Open Space Preserve and no skyward-casting lighting shall be used. Final lighting orientation and design shall be to the satisfaction of the Community Development Director or designee. Prior to final inspection, a photometric field inspection of the approved lighting system will be performed. Deviations and/or violations from the approved plan shall be corrected prior to the final inspection for the Project.	Significant, Unavoidable Impact
Threshold 4.2-4: Would the project conflict with any applicable plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	The project is consistent with applicable goals and policies designed to protect aesthetic and visual resources. No Impact	No mitigation is required.	No Impact

TABLE 1-2 (CONTINUED)
SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION PROGRAM

Thresholds Applied	Environmental Impacts/Level of Significance Before Mitigation	Summary of Mitigation Program: Project Design Features, Standard Conditions, and Mitigation Measures	Level of Significance After Mitigation
SECTION 4.3 – GEOLOGY AND SOILS			
<p>Threshold 4.3-1: Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death from rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?</p> <p>Threshold 4.3-2: Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?</p>	<p>The Project site is in a seismically active area with faults within the proposed development area that could not be proven to be inactive. Habitable structures on the Project site near these faults are subject to fault setback zones and seismic design parameters that would appropriately address seismic building standards. Impacts associated with surface fault rupture and seismic shaking would be mitigated to a level considered less than significant with the incorporation of fault setback zones (which may be refined after additional trenching data becomes available). Potentially Significant Impact</p>	<p>Project Design Features</p> <p>PDF 4.3-1 Habitable buildings will be set back a minimum of 60 feet from the tops of bluff edges and will not be constructed within identified fault setback zones.</p> <p>Standard Conditions and Requirements</p> <p>SC 4.3-1 Prior to the issuance of any grading permits, the City of Newport Beach shall review the grading plan for conformance with the grading shown on the approved tentative map. The grading plans shall be accompanied by geological and soils engineering reports and shall incorporate all information as required by the City.</p> <p>SC 4.3-2 Prior to the recordation of a subdivision map or prior to the issuance of any grading permit, the Applicant shall record a Letter of Consent from any affected property owners where encroachment permits are required.</p> <p>Mitigation Measures</p> <p>MM 4.3-1 The Applicant shall submit to the City of Newport Beach Community Development Department, Building Division Manager a site-specific, design-level geotechnical investigation prepared by a registered geotechnical engineer. The investigation shall comply with all applicable State and local code requirements.</p> <p>MM 4.3-2 Prior to the approval of any applicable final tract map, the Applicant shall have completed by a qualified geologist, additional geotechnical trenching and field investigations and shall provide a supplemental geotechnical report to confirm the adequacy of Project development fault setback limits.</p> <p>MM 4.3-3 Prior to the approval of any applicable final tract map, development setbacks from the Upland fault segments, revised as necessary based upon the findings of additional trenching investigations, shall be incorporated into the Project consistent with requirements set forth in the California Building</p>	<p>Less Than Significant Impact</p>

TABLE 1-2 (CONTINUED)
SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION PROGRAM

Thresholds Applied	Environmental Impacts/Level of Significance Before Mitigation	Summary of Mitigation Program: Project Design Features, Standard Conditions, and Mitigation Measures	Level of Significance After Mitigation
<p>Threshold 4.3-3: Would the project expose people or structures to potential substantial adverse effects including the risk of loss, injury, or death from seismic-related ground failure, including liquefaction?</p> <p>Threshold 4.3-4: Would the project expose people or structures to potential substantial adverse effects including the risk of loss, injury, or death from landslides?</p> <p>Threshold 4.3-6: Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on-site landslide, lateral spreading, subsidence, liquefaction, or collapse?</p>	<p>Two fault segments on the Project site have not been confirmed as inactive, and development setbacks have been incorporated into the Project. The fault setback zones would reduce the risk of surface fault rupture. Based on the GMU 2010 Report, strengthened building foundations and structural design would accommodate strong seismic shaking on the Project site, and habitable structures would be restricted to the Upland area, avoiding soils that may liquefy or undergo lateral spreading. Where necessary, corrective grading would ensure all structures are placed on competent foundation materials. Potentially Significant Impact</p>	<p>Code and the <i>City of Newport Beach General Plan</i>. Prior to the preparation of final Project plans and specifications, additional trenching shall be conducted within the 1,300-foot gap between the 2 parts of the existing Fault Setback Zone.</p> <p>Project Design Features PDF 4.3-1 is applicable.</p> <p>Standard Conditions and Requirements SC 4.3-1 is applicable.</p> <p>Mitigation Measures MMs 4.3-1 through 4.3-3 are applicable.</p>	<p>Less Than Significant Impact</p>
<p>Threshold 4.3-5: Would the project result in substantial soil erosion or the loss of topsoil?</p>	<p>Grading activities would increase the potential for soil erosion and loss of top soil. Best Management Practices (BMPs) would minimize this impact both during construction and long-term. Less Than Significant Impact</p>	<p>Project Design Features PDF 4.3-2 Drainage devices will be constructed along slopes adjacent to the development edge to eliminate surface flow over bluffs to the extent feasible. Landscape and irrigation plans will be designed to minimize irrigation near natural areas/slopes.</p> <p>PDF 4.3-3 Eroded portions of bluff slopes will be repaired and stabilized. Bluff areas devoid of vegetation after repair and stabilization efforts will be planted with native vegetation that does not require permanent irrigation.</p>	<p>Less Than Significant Impact</p>

TABLE 1-2 (CONTINUED)
SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION PROGRAM

Thresholds Applied	Environmental Impacts/Level of Significance Before Mitigation	Summary of Mitigation Program: Project Design Features, Standard Conditions, and Mitigation Measures	Level of Significance After Mitigation
Threshold 4.3-7: Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	On-site soils have a low to medium expansion potential. Potentially Significant Impact	Standard Conditions and Requirements SCs 4.3-1 through 4.3-2 are applicable. Mitigation Measures MMs 4.3-1 through 4.3-3 are applicable.	Less Than Significant Impact
Threshold 4.3-8: Would the project conflict with any applicable plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	The proposed Project would be consistent with the intent of the soils and geology-related goals and policies of the City of Newport Beach General Plan and the California Coastal Act. No Impact	No mitigation is required.	No Impact
SECTION 4.4 – HYDROLOGY AND WATER QUALITY			
Threshold 4.4-1: Would the project violate any water quality standards or waste discharge requirements?	Construction and operation of the proposed Project would have the potential to adversely impact water quality in downstream receiving waters through discharge of runoff that contains various pollutants of concern. However, the Project incorporates detailed low impact development (LID) features into internal site design and transitional areas for sediment, source, and treatment control. Additional site-design, structural, source-control, and treatment-control BMPs would be incorporated into the Project to supplement LID features, ensuring compliance with the Project Water Quality Management Plan and National Pollutant Discharge Elimination System (NPDES) permit. The Project has demonstrated on-site ability to treat all	Project Design Features PDF 4.4-1 Two water quality basins will be constructed to treat off-site urban runoff from Costa Mesa and Newport Beach, and from Project runoff that drains into the Lowland Area. PDF 4.4-2 A water quality basin and a diffuser basin located within the Open Space Preserve will provide for storm water control, energy dissipation, and natural water quality treatment. PDF 4.4-3 Public arterials and some collector roadways within the Project site will be designed with "Green Street" and other LID features. Landscaping along the street edges will be selectively used to treat storm water runoff from the streets and adjacent development areas. Standard Conditions and Requirements SC 4.4-1 All landscape materials and irrigation systems shall be maintained in accordance with the approved Landscape Plan.	Less Than Significant Impact
Threshold 4.4-6: Would the project otherwise substantially degrade water quality?			
Threshold 4.4-11: Would the project result in significant alteration of receiving water quality during or following construction?			
Threshold 4.4-12: Would the project result in a potential for discharge of storm water pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, or storage, delivery			

TABLE 1-2 (CONTINUED)
SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION PROGRAM

Thresholds Applied	Environmental Impacts/Level of Significance Before Mitigation	Summary of Mitigation Program: Project Design Features, Standard Conditions, and Mitigation Measures	Level of Significance After Mitigation
<p>areas, loading docks or other outdoor work areas?</p> <p>Threshold 4.4-13: Would the project result in the potential for discharge of storm water to affect the beneficial uses of the receiving waters?</p>	<p>runoff treatment volumes that would be generated from the Project site in addition to runoff entering the site from upstream developed areas within Costa Mesa in compliance with regulatory standards. Less Than Significant Impact</p>	<p>SC 4.4-2 The development shall be kept free of litter and graffiti. The owner or operator shall provide for removal of trash, litter, and graffiti from the premises and on abutting sidewalks.</p> <p>SC 4.4-3 Prior to the issuance of grading permits, a Storm Water Pollution Prevention Plan (SWPPP) and Notice of Intent (NOI) to comply with the General Permit for Construction Activities shall be prepared.</p> <p>SC 4.4-4 Prior to issuance of grading permits, the Project Applicant shall prepare and submit a Water Quality Management Plan (WQMP) for the Project. The WQMP shall include appropriate BMPs to ensure Project runoff is adequately treated.</p> <p>SC 4.4-5 A list of "good housekeeping" practices shall be incorporated into the long-term post-construction operation of the site to minimize the likelihood that pollutants could impair water quality. The WQMP shall list and describe all structural and non-structural BMPs.</p>	
<p>Threshold 4.4-2: Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g. the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?</p>	<p>Local groundwater is not suitable for use as drinking water; therefore, there would be no Project impact to groundwater table due to drawdown. Groundwater recharge does occur at the Project site and would decrease under Project conditions due to a reduction in pervious surface area. Infiltration BMPs would be incorporated into site design to ensure that site runoff continues to infiltrate to the maximum extent practicable. Less than Significant Impact</p>	<p>Project Design Features</p> <p>PDF 4.4-3 is applicable.</p> <p>PDF 4.4-6 BMPs for erosion control, sediment control, wind erosion control, storm water and non-storm water management, and waste management/pollution control will be implemented to ensure that potential effects on local site hydrology, runoff, and water quality remain in compliance with all required permits, City policies, and the Project's WQMP, and SWPPP.</p>	Less Than Significant Impact
<p>Threshold 4.4-3: Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in</p>	<p>Hydrologic modeling of the Northern and Southern Arroyos confirms that both channels would remain stable under proposed Project conditions. Standard construction practices would reduce erosion potential. Less than Significant Impact</p>	<p>Project Design Features</p> <p>PDFs 4.4-1 and PDF 4.4-2 are applicable.</p> <p>PDF 4.4-5 The Master Development Plan requires development of a drainage plan to ensure that runoff systems from the Project site to West Coast Highway and the Semenuik</p>	Less Than Significant Impact

TABLE 1-2 (CONTINUED)
SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION PROGRAM

Thresholds Applied	Environmental Impacts/Level of Significance Before Mitigation	Summary of Mitigation Program: Project Design Features, Standard Conditions, and Mitigation Measures	Level of Significance After Mitigation
substantial erosion or siltation on- or off- site? Threshold 4.4-15: Would the project create significant increases in erosion of the Project site or surrounding areas?	Significant Impact	Slough will be stabilized and maintained through the Project's drainage system. Standard Conditions and Requirements SCs 4.4-3 through 4.4-5 are applicable.	
Threshold 4.4-4: Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner in which would result in flooding on- or off-site? Threshold 4.4-14: Would the project create the potential for significant changes in the flow velocity or volume of storm water runoff to cause environmental harm?	The Project-induced increase in impervious surfaces would result in an increase in peak flow runoff and runoff volumes from the site. Project drainage area modifications would be incorporated into a Runoff Management Plan to ensure that peak flow rates and volumes would not result in adverse flooding impacts to downstream systems. Less Than Significant Impact	Project Design Features PDF 4.4-1, PDF 4.4-2, PDF 4.4-5, and PDF 4.4-6 are applicable. PDF 4.4-4 The Master Development Plan requires that arroyos be planted with native riparian vegetation as part of the restoration effort to minimize potential erosion and to enhance the water-cleansing function. Standard Conditions and Requirements SC 4.4-4 is applicable.	Less Than Significant Impact
Threshold 4.4-5: Would the project create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	Proposed Project modifications in Project drainage patterns and Project drainage features would reduce flow rates through the middle and lower sections of the Caltrans reinforced concrete box from existing conditions. Less Than Significant Impact	Project Design Features PDF 4.4-1 through PDF 4.4-3 are applicable. Standard Conditions and Requirements SCs 4.4-2 through 4.4-5 are applicable.	Less Than Significant Impact
Threshold 4.4-7: Would the project place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	Proposed Project housing would be located on the Upland at elevations well outside the 100-year floodplain. No structures would be built within the Lowland between sea level and 10 feet above mean sea level. No Impact	No mitigation is required.	No Impact

TABLE 1-2 (CONTINUED)
SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION PROGRAM

Thresholds Applied	Environmental Impacts/Level of Significance Before Mitigation	Summary of Mitigation Program: Project Design Features, Standard Conditions, and Mitigation Measures	Level of Significance After Mitigation
Threshold 4.4-8: Would the project place within a 100-year flood hazard area structures which would impede or redirect flood flows?			
Threshold 4.4-9: Would the project expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	The Project is not located in a dam inundation area. The proposed development would be located on the Upland above the 100-year flood elevation. Less Than Significant Impact	No mitigation is required.	Less Than Significant Impact
Threshold 4.4-10: Would the project be subject to inundation by seiche, tsunami, or mudflow?	Inundation of the Project site by seiche or mudflow is not anticipated as there are no standing water bodies or high slopes in the Upland. Inundation by tsunami is not likely because of Project site elevations and the City's existing Emergency Management Plan. Less than Significant Impact	No mitigation is required.	Less Than Significant Impact
Threshold 4.4-16: Would the project conflict with any applicable plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	The proposed Project would be consistent with the intent of the hydrology- and water quality-related goals and policies of the <i>City of Newport Beach General Plan</i> . No Impact	No mitigation is required.	No Impact
SECTION 4.5 – HAZARDS AND HAZARDOUS MATERIALS			
Threshold 4.5-1: Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	Disturbance of potential hazardous materials associated with pass oil extraction activities and from demolition of existing structures located onsite has been identified as a potential impact. Potentially Significant Impact	Project Design Features PDF 4.4-6 from Section 4.4, Hydrology and Water Quality is applicable. Standard Conditions and Requirements SC 4.5-1 Prior to demolition, testing for all structures for presence of asbestos and/or lead based paint (LBP) shall be	Less Than Significant Impact

TABLE 1-2 (CONTINUED)
SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION PROGRAM

Thresholds Applied	Environmental Impacts/Level of Significance Before Mitigation	Summary of Mitigation Program: Project Design Features, Standard Conditions, and Mitigation Measures	Level of Significance After Mitigation
Threshold 4.5-2: Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?		completed. All applicable requirements associated with asbestos-removal and LBP removal shall be implemented. Mitigation Measures MM 4.5-1 A comprehensive final Remedial Action Program (final RAP) shall be submitted to and approved by the Regional Water Quality Control Board (RWQCB) and/or the Orange County Health Care Agency (OCHCA) and initiated for the oilfield clean-up and remediation prior to the issuance of the first City-issued permit.	
Threshold 4.5-3: Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	There would be a less than significant impact to the existing schools within ¼-mile of the Project site and/or from off-site haul routes during on-site remedial activities and proposed Project construction. There would be no impact to existing schools within ¼-mile of the Project site from proposed Project operations as continued oil operations are proposed to be limited to two consolidated oil facilities located along the southwestern portion of the Project site. Less Than Significant Impact	Project Design Features PDF 4.5-1 Oil operations will be consolidated into two areas within the Open Space Preserve designated as "Interim Oil Facilities. This use will ultimately revert to an Open Space land use at the end of the oilfield's useful life. Standard Conditions and Requirements SC 4.5-2 Any hazardous contaminated soils or other hazardous materials removed from the Project site shall be transported only by a Licensed Hazardous Waste Hauler to approved hazardous materials disposal site, who shall be in compliance with all applicable State and federal requirements.	Less Than Significant Impact
Threshold 4.5-4: Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	The Project site is not identified on the Cortese List which is compiled pursuant to Government Code Section 65962.5. No Impact	No mitigation is required.	No Impact
Threshold 4.5-5: Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to	The proposed Project would not conflict with any goals or policies of the City of Newport Beach General Plan or the Coastal Act related to hazards and hazardous materials. No Impact	No mitigation is required.	No Impact

TABLE 1-2 (CONTINUED)
SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION PROGRAM

Thresholds Applied	Environmental Impacts/Level of Significance Before Mitigation	Summary of Mitigation Program: Project Design Features, Standard Conditions, and Mitigation Measures	Level of Significance After Mitigation
the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			
SECTION 4.6 – BIOLOGICAL RESOURCES			
Threshold 4.6-1: Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<p>The Project would have direct and indirect impacts on habitat that supports special status species. The following is a summary of total acres of habitat affected by the project:</p> <ul style="list-style-type: none"> Coastal sage scrub and disturbed coastal sage scrub—23.11 acres Grassland and ruderal—100.13 acres Grassland depression features—0.14 acre Marsh—2.45 acres Riparian and disturbed riparian—12.93 acres <p>Potentially Significant Impact</p>	<p>Project Design Features</p> <p>PDF 4.6-1 The Master Development Plan designates a minimum of 220 gross acres of the Project site as wetland restoration/water quality areas, habitat conservation, and restoration mitigation areas.</p> <p>PDF 4.6-2 The Master Development Plan includes a Habitat Restoration Plan (HRP) for the habitat areas. The HRP includes provisions for the preservation and long-term maintenance of existing sensitive habitat and habitat created and restored by the Project.</p> <p>PDF 4.6-3 The habitat areas to be restored as project design features will be subject to the same five-year Maintenance and Monitoring Program implemented for areas restored as mitigation.</p> <p>Mitigation Measures</p> <p>MM 4.6-1 Impacts on coastal sage scrub vegetation shall be mitigated on the Project site through the restoration of southern coastal bluff scrub and California sagebrush scrub. Coastal sage scrub restoration and preservation on site would total 80.05 acres.</p> <p>MM 4.6-2 Impacts on non-native grassland and ruderal vegetation shall be mitigated through restoration and preservation. The grassland restoration and preservation would total 70.34 acres.</p> <p>MM 4.6-3 Impacts to grassland depression feature and fairy shrimp habitat shall be mitigated through restoration and</p>	Less Than Significant Impact

TABLE 1-2 (CONTINUED)
SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION PROGRAM

Thresholds Applied	Environmental Impacts/Level of Significance Before Mitigation	Summary of Mitigation Program: Project Design Features, Standard Conditions, and Mitigation Measures	Level of Significance After Mitigation
		<p>preservation on site. The Project shall provide 3.58-acre area of restoration in the vernal pool area. The Applicant shall be required to plan, implement, monitor, and maintain a vernal pool preservation/restoration program for the Project.</p> <p>MM 4.6-4 Impacts to marshes shall be mitigated through restoration and preservation on site, for a total of 12.25 acres of restoration and preservation. The Applicant shall be required to plan, implement, monitor, and maintain a marsh/meadow preservation/restoration program for the Project.</p> <p>MM 4.6-5 For jurisdictional resources/riparian habitat, the Applicant shall be obligated to implement/comply with the mitigation measures required by the resource agencies (USACE, CDFG, RWQCB, and CCC) regarding impacts on their respective jurisdictions. Jurisdictional areas shall be restored on the Project site or immediately off site. Though the requirements of the permit will apply, the restoration requirement is expected to be 15.77 acres. The measure also requires construction minimization measures, mitigation performance criteria and long-term monitoring requirements for the restoration and preservation program.</p> <p>MM 4.6-6 Migratory Bird Treaty Act. No vegetation removal shall occur between February 15 and September 15 unless a qualified Biologist, surveys the Project's impact area prior to disturbance to confirm the absence of active nests. If an active nest is discovered, disturbance within a particular buffer shall be prohibited until nesting is complete.</p> <p><u>To protect bird species on site, any front glass railings, screen walls, fences and gates that occur adjacent to Project natural open space areas shall be required to use materials designed to minimize bird strikes. Such materials may consist all or in part, of wood; metal; frosted or partially-frosted glass, Plexiglas or other visually permeable barriers that are designed to prevent creation of a bird strike hazard. Clear glass or Plexiglas shall not be installed unless an ultraviolet-light reflective coating specially designed to reduce bird-strikes by reducing reflectivity and</u></p>	

TABLE 1-2 (CONTINUED)
SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION PROGRAM

Thresholds Applied	Environmental Impacts/Level of Significance Before Mitigation	Summary of Mitigation Program: Project Design Features, Standard Conditions, and Mitigation Measures	Level of Significance After Mitigation
		<p><u>transparency is also used. Any coating or shall be installed to provide coverage consistent with manufacturer specifications. All materials and coatings shall be maintained throughout the life of the development to ensure continued effectiveness at addressing bird strikes and shall be maintained at a minimum in accordance with manufacturer specifications. Prior to issuance of a grading permit, the Applicant shall submit plans showing the location, design, height and materials of glass railings, fences, screen walls and gates for the review and approval to the City and a qualified Biologist.</u></p> <p>MM 4.6-7 Special Status Plant Species. The Applicant shall be required to plan, implement, monitor, and maintain a southern tarplant restoration program for the Project consistent with the most current technical standards/knowledge regarding southern tarplant restoration.</p> <p>MM 4.6-8 A focused survey shall be conducted for light-footed clapper rail, western snowy plover, and Belding's savannah sparrow in the spring prior to the proposed impact to determine if these species nest on or immediately adjacent to the Project site. If any of these species are observed, the Applicant shall obtain approvals from the resource agencies (i.e., the USFWS, the CDFG, and the California Coastal Commission) prior to any activity that disturbs marsh or mudflat habitat. If any of these species would be impacted, mitigation for impacts on these species shall include replacement of marsh and mudflat habitat as described in MM 4.6-4.</p> <p>MM 4.6-9 Prior to initiation of grading or any activity that involves the removal/disturbance of coastal sage scrub habitat, the Applicant shall obtain a Biological Opinion for the California Gnatcatcher from the USFWS to authorize incidental take.</p> <p>MM 4.6-10 If it is determined by the City during the final grading plan check that impacts on cactus habitat cannot be avoided, the coastal sage scrub mitigation plan shall incorporate cactus into the planting palette at no less than a 1:1 ratio for impacted cactus areas. Mitigation for impacts on the coastal</p>	

TABLE 1-2 (CONTINUED)
SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION PROGRAM

Thresholds Applied	Environmental Impacts/Level of Significance Before Mitigation	Summary of Mitigation Program: Project Design Features, Standard Conditions, and Mitigation Measures	Level of Significance After Mitigation
		<p>cactus when shall include replacement of coastal sage scrub habitat and implementation of Construction Minimization Measures as described in MM 4.6-1.</p> <p>MM 4.6-11 Prior to initiation of grading or any activity that involves the removal/disturbance of riparian habitat the Applicant shall obtain approvals from the resource agencies (i.e., the USFWS, the CDFG, and the California Coastal Commission). Mitigation for impacts on the least Bell's vireo shall include replacement of riparian and upland scrub and riparian forest habitat and Construction Minimization Measures, as well as any additional provisions imposed by the permitting agencies.</p> <p>MM 4.6-12 This measure requires avoidance to the maximum extent practicable, of impacts on known burrowing owl burrows and surrounding non-native grasslands and pre-construction surveys for burrowing owl. The measure stipulates requirements if active burrows are observed. The actions differ if they are observed during nesting or non-nesting season. Mitigation for impacts on the burrowing owl also includes restoration of native grassland habitat as described in MM 4.6-2.</p> <p>MM 4.6-13 Raptor Nesting. To the maximum extent practicable, habitats that provide potential nest sites for raptors shall be removed from July 1 through January 31. If Project construction activities are initiated during the raptor nesting season, a nesting raptor survey shall be conducted. Any nest found during survey efforts shall be mapped on the construction plans. If nesting activity is present, the active site shall be protected until nesting activity has ended. During the non-nesting season, proposed work activities can occur only if a qualified Biologist has determined that fledglings have left the nest.</p> <p>MM 4.6-14 Invasive Exotic Plant Species. The Applicant shall submit Landscape Plans for review and approval by a qualified Biologist to ensure that no invasive, exotic plant species are used in landscaping adjacent to any open space and that suitable substitutes are provided.</p>	

TABLE 1-2 (CONTINUED)
SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION PROGRAM

Thresholds Applied	Environmental Impacts/Level of Significance Before Mitigation	Summary of Mitigation Program: Project Design Features, Standard Conditions, and Mitigation Measures	Level of Significance After Mitigation
		<p>MM 4.6-15 Human Activity. Prior to issuance of a grading permit, the Project Applicant shall submit a fencing plan to the City of Newport Beach for review to demonstrate that access to the open space within the Lowland shall be limited to designated access points that link to existing trails.</p> <p>MM 4.6-16 Urban Wildlands Interface. To educate residents of the responsibilities associated with living at the wildland interface, the Applicant shall develop a wildland interface brochure. The brochure shall be included as part of the purchase/rental/lease agreements for the Project residents.</p>	
Threshold 4.6-2: Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?	Grading activities could impact several sensitive natural communities. Potentially Significant Impact	<p>Project Design Features PDFs 4.6-1 through 4.6-3 would also be applicable.</p> <p>PDF 4.6-4 The Master Development Plan requires that street lights be utilized only in key intersections and safety areas. The Planned Community Development Plan requires that a "dark sky" lighting concept be implemented within areas of the Project that adjoin habitat areas. Light fixtures within these areas will be designed for "dark sky" applications and adjusted to direct/reflect light downward and away from adjacent habitat areas.</p> <p>Mitigation Measures MM 4.6-1 and MMs 4.6-3 through MM 4.6-5 are applicable.</p>	Less Than Significant Impact
Threshold 4.6-3: Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	Grading and oil remediation activities could impact jurisdictional areas as follows (some jurisdictional areas overlap): USACE—0.32 acres permanent/3.93 acres temporary CDFG—1.87 acres permanent/0.05 acre temporary California Coastal Commission—2.47 acres permanent/6.48 acres temporary Potentially Significant Impact	<p>Project Design Features PDFs 4.6-1 through 4.6-4 would also be applicable.</p> <p>Mitigation Measures MMs 4.6-3 through 4.6-5 are applicable.</p>	Less Than Significant Impact

TABLE 1-2 (CONTINUED)
SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION PROGRAM

Thresholds Applied	Environmental Impacts/Level of Significance Before Mitigation	Summary of Mitigation Program: Project Design Features, Standard Conditions, and Mitigation Measures	Level of Significance After Mitigation
Threshold 4.6-4: Would the project interfere substantially with the movement of any native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	The permanent loss of open space would reduce wildlife movement corridor habitat available for species. Potentially Significant Impact	Mitigation Measures MMs 4.6-1 through 4.6-5 are applicable.	Less Than Significant Impact
Threshold 4.6-5: Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? Would the project conflict with any applicable plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	The proposed Project would not conflict with the Central/Coastal Subregion NCCP/HCP. The proposed Project would not conflict with any goals or policies of SCAG, the City of Newport Beach General Plan or Local Coastal Plan, or the California Coastal Act. The proposed Project is considered consistent with the applicable goals and policies. No Impact	No mitigation is required.	Less Than Significant Impact
SECTION 4.7 – POPULATION, HOUSING, AND EMPLOYMENT			
Threshold 4.7-1: Would the project induce substantial population growth in an area, either directly (for example, by proposed new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	While the Project would result in population growth in the area through the construction of new residences and employment opportunities, the Project would not exceed the growth currently projected for the Project site or exceed regional projections. Less Than Significant Impact	Project Design Features PDF 4.7-1 The Master Development Plan requires that development of the Project include a range of housing types to meet the housing needs of a variety of economic segments of the community to be designed to appeal to different age groups and lifestyles.	Less Than Significant Impact

TABLE 1-2 (CONTINUED)
SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION PROGRAM

Thresholds Applied	Environmental Impacts/Level of Significance Before Mitigation	Summary of Mitigation Program: Project Design Features, Standard Conditions, and Mitigation Measures	Level of Significance After Mitigation
Threshold 4.7-2: Would the project conflict with any applicable plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	The proposed Project would not conflict with any applicable goals or policies of SCAG, the <i>City of Newport Beach General Plan</i> , or the Coastal Act related to population, housing, and employment. No Impact	Standard Conditions and Requirements SC 4.7-2 An Affordable Housing Implementation Plan (AHIP) is required that specifies how the development will meet the City's affordable housing goal. No mitigation is required.	No Impact
SECTION 4.8 – RECREATION AND TRAILS			
Threshold 4.8-1: Would the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	The proposed Project would increase the demand for park and recreational facilities. The Project includes approximately 51.4 gross acres of parkland, including 26.8 gross acres for a public Community Park, as well as trails through the Project site that connect to the regional trail system. This acreage exceeds local Quimby Act and General Plan parkland requirements. The physical impacts of implementing park and recreational facilities, including the pedestrian and bicycle bridge, are evaluated as part of the overall development Project. Less than Significant Impact	Project Design Features PDF 4.8-1 The Master Development Plan and Tentative Tract Map provide for approximately 51 gross acres of public parkland including a Community Park, 2 bluff parks and 3 interpretive parks. The acres for the public Community Park exceed the City's Municipal Code requirement for park dedication for the 1,375-unit Project, which is approximately 15 acres. PDF 4.8-2 The Master Development Plan provides a system of bicycle, pedestrian, and interpretive trails. PDF 4.8-3 If permitted by all applicable agencies, a pedestrian and bicycle bridge over West Coast Highway will be provided from the Project site to a location south of West Coast Highway. Standard Conditions and Requirements SC 4.8-1 The Applicant shall comply with the City of Newport Beach Park Dedication and Fees Ordinance.	Less Than Significant Impact

TABLE 1-2 (CONTINUED)
SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION PROGRAM

Thresholds Applied	Environmental Impacts/Level of Significance Before Mitigation	Summary of Mitigation Program: Project Design Features, Standard Conditions, and Mitigation Measures	Level of Significance After Mitigation
Threshold 4.8-3: Would the project increase the use of the existing neighborhood and regional parks or other recreational facilities such that a substantial physical deterioration of the facilities would occur or be accelerated?	The proposed Project would increase the demand for park and recreational facilities; however, since the new recreational facilities provided by the Project exceed City standards, it would prevent the overuse of existing local recreational facilities. Less than Significant Impact	Project Design Features PDF 4.8-1 through 4.8-3 are applicable. Mitigation Measures MM 4.10-9 from Section 4.10, Air Quality, is applicable.	Less Than Significant Impact
Threshold 4.8-4: Would the project conflict with any applicable plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	The proposed Project would not conflict with any goals or policies of the City of Newport Beach General Plan or the California Coastal Act related to recreational resources. No Impact	No mitigation is required.	No Impact
SECTION 4.9 – TRANSPORTATION AND CIRCULATION			
Threshold 4.9-1: Would the project cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?	Multiple traffic scenarios were evaluated. The following summarizes the significant impacts. Unless mentioned, the impacts are less than significant prior to mitigation: <i>Existing Plus Project</i> – The Project is forecasted to significantly impact three intersections in Costa Mesa. <i>Year 2016 With Project Traffic Phasing Ordinance (TPO) Analysis</i> – The Project would significantly impact seven intersections in Costa Mesa. <i>Year 2016 With Phase 1 Project TPO Analysis</i> – The Project would significantly impact to two intersections	Project Design Features PDF 4.9-1 In addition to mitigating traffic impacts of the Project, the transportation improvements included in the Master Development Plan provide arterial highway capacity needed to address existing demand as well as for planned growth in the region through implementing portions of the City's General Plan and the County's Master Plan of Arterial Highways. PDF 4.9-2 The arterial roadway improvements and contributions toward off-site improvements will be provided earlier in the development phasing program than needed to mitigate Project traffic impacts and requires that contributions toward off-site improvements be provided early relative to the development phasing. PDF 4.9-3 The Master Development Plan includes a new arterial connection between West Coast Highway and 19 th Street that will provide enhanced access to and from southwest Costa	For all traffic scenarios, implementation of MM 4.9-1 and MM 4.9-2 would reduce impacts to Less Than Significant. However, the City of Newport Beach cannot impose mitigation (MM 4.9-2) on another jurisdiction. Therefore, for purposes of this
Threshold 4.9-2: Would the project conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the County congestion management			

TABLE 1-2 (CONTINUED)
SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION PROGRAM

Thresholds Applied agency for designated roads or highways?	Environmental Impacts/Level of Significance Before Mitigation	Summary of Mitigation Program: Project Design Features, Standard Conditions, and Mitigation Measures	Level of Significance After Mitigation
	<p>in Costa Mesa.</p> <p><i>Year 2016 Cumulative With Project –</i> The Project would significantly impact seven intersections in Costa Mesa.</p> <p><i>2016 Cumulative With Phase 1 Project –</i> The Project would significantly impact to two intersections in Costa Mesa.</p> <p><i>General Plan Buildout –</i> The Project would significantly impact to two intersections in Costa Mesa.</p>	<p>Mesa which will contribute to the mitigation of the impacts of projected regional growth.</p> <p>Standard Conditions and Requirements</p> <p>SC 4.9-2 The Applicant shall be responsible for the payment of fair share traffic fees or right-of-way dedication or traffic improvements.</p> <p>SC 4.9-3 Prior to issuance of any grading permit, the Applicant shall prepare for City of Newport Beach Traffic Engineer review and approval a Construction Area Traffic Management Plan for the Project for the issuance of a Haul Route Permit. The Applicant shall ensure that construction activities requiring more than 16 truck (i.e., multiple axle vehicle) trips per hour on West Coast Highway, such as excavation and concrete pours, shall be prohibited between June 1 and September 1. At all other times, such activities shall be limited to 25 truck (i.e., multiple axle vehicle) trips per hour on West Coast Highway unless otherwise approved by the City of Newport Beach Traffic Engineer. Haul operations shall be monitored by the City of Newport Beach Public Works Department, and additional restrictions may be applied if traffic congestion problems arise. A staging area shall be designated on site for construction equipment and supplies to be stored during construction. No construction vehicles shall be allowed to stage on off-site roads during the grading and construction period.</p> <p>Mitigation Measures</p> <p>MM 4.9-1 This measure identifies the City of Newport Beach transportation improvement program proposed as mitigation for the Project. The Applicant shall be responsible for the construction of the required improvements in lieu of the payment of fees. The improvements shall be completed during the 60 months immediately after receipt of all permits.</p> <p>MM 4.9-2 This measure identifies the City of Costa Mesa transportation improvement program proposed as mitigation for the Project. The Applicant shall be responsible for the payment</p>	<p>EIR, the impacts in Costa Mesa are assumed to remain Significant and Unavoidable.</p>

TABLE 1-2 (CONTINUED)
SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION PROGRAM

Thresholds Applied	Environmental Impacts/Level of Significance Before Mitigation	Summary of Mitigation Program: Project Design Features, Standard Conditions, and Mitigation Measures	Level of Significance After Mitigation
Threshold 4.9-3: Would the project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment), or result in inadequate emergency access?	Implementation of the proposed Project would not result in any significant impacts related to circulation or access, and therefore would not significantly impact any emergency response evacuation plans. To facilitate the movement of construction traffic and to minimize potential disruptions, standard conditions and mitigation, would be applicable to the proposed Project. Less Than Significant Impact	of fees and/or the construction of the required improvements in lieu of the payment of fees to be negotiated with the City of Costa Mesa. The payment of fees and/or the completion of the improvements shall be completed during the 60 months immediately after the receipt of all permits. Standard Conditions and Requirements SC 4.9-1 Sight distance at the Project's access point shall comply with City of Newport Beach standards. SC 4.9-3 is applicable. Mitigation Measures MM 4.9-3 Prior to the introduction of combustible materials on the Project site, emergency fire access to the site shall be approved by the City of Newport Beach's Public Works and Fire Departments. MM 4.9-4 Prior to the start of grading, the Applicant shall demonstrate to the City of Newport Beach Fire Department that all existing and new access roads surrounding the Project site are designated as fire lanes, and no parking shall be permitted unless the accessway meets minimum width requirements of the Public Works and Fire Departments. Mitigation Measures MM 4.9-5 Prior to the displacement of any private parking spaces associated with improvements to 15 th Street, the Applicant shall be responsible for the construction of replacement parking on the Project site within the Community Park site or in a location immediately proximate to the existing parking lot.	Less Than Significant Impact
Threshold 4.9-4: Would the project result in inadequate parking capacity?	The NBR-PC includes regulations that require adequate parking for new uses in the Project. The extension of 15 th Street consistent with the General Plan would displace parking at an existing office building. Potentially Significant Impact		Less Than Significant Impact

TABLE 1-2 (CONTINUED)
SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION PROGRAM

Thresholds Applied	Environmental Impacts/Level of Significance Before Mitigation	Summary of Mitigation Program: Project Design Features, Standard Conditions, and Mitigation Measures	Level of Significance After Mitigation
<p>Threshold 4.9-5: Would the project conflict with any applicable plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?</p> <p>Would the project conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities or otherwise decrease the performance or safety of such facilities (e.g., bus turnouts, bicycle racks)?</p> <p>Would the project conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?</p>	<p>The proposed Project would amend the Circulation Element of the General Plan and the MPAH. By taking this action, the Project would be consistent with the Master Plan of Streets and Highways and the MPAH maps. The Project is consistent with the intent of the transportation-related goals and policies of SCAG, the <i>City of Newport Beach General Plan</i>, and the California Coastal Act. No Impact</p>	<p>Project Design Features</p> <p>PDF 4.8-2 and 4.8-3 in Sections 4.8, Recreation and Trails; PDF 4.10-1 and 4.10-2 in Section 4.10, Air Quality; and PDF 4.11-3 in Section 4.11, Greenhouse Gas Emissions, are also applicable.</p>	No Impact
SECTION 4.10 – AIR QUALITY			
Threshold 4.10-1: Would the project conflict with or obstruct implementation of the applicable air quality plan?	The AQMP provides controls sufficient to attain the national ozone standards based on the long-range growth projections for the region. The Project	No mitigation is required.	No Impact

TABLE 1-2 (CONTINUED)
SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION PROGRAM

Thresholds Applied	Environmental Impacts/Level of Significance Before Mitigation	Summary of Mitigation Program: Project Design Features, Standard Conditions, and Mitigation Measures	Level of Significance After Mitigation
Threshold 4.10-2: Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<p>does not exceed the assumptions in the AQMP. Therefore, the Project is in conformance with the AQMP. No Impact</p> <p>Without mitigation, regional (mass) emissions of NOx are forecasted to exceed applicable thresholds in some construction years. Potentially Significant</p> <p>Localized concentrations of CO, NO₂, PM₁₀, and PM_{2.5} due to construction activities would not exceed the applicable CEQA thresholds. Less Than Significant Impact</p> <p>Long-term operational emissions of criteria pollutants would not exceed the SCAQMD mass emissions thresholds from initial occupancy through 2020. However, as Project development continues beyond 2020, emissions of VOC and CO would exceed the significance thresholds, principally due</p>	<p>Project Design Features</p> <p>PDF 4.10-1 The Master Development Plan provides for commercial uses, in the Mixed-Use/Residential and Visitor-Serving Resort/Residential Land Use Districts, within walking distance of the proposed residential neighborhoods and nearby residential areas to reduce vehicle trips and vehicle miles traveled.</p> <p>PDF 4.10-2 The Master Development Plan provides a network of public pedestrian and bicycle trails to reduce auto-dependency by connecting proposed residential neighborhoods to parks and open space within the Project site and to off-site recreational amenities, such as the beach and regional parks and trails.</p> <p>PDF 4.8-3 from Section 4.8, Recreation and Trails, and PDFs 4.11-1 through 4.11-5 from Section 4.11, Greenhouse Gas Emissions are applicable.</p> <p>Standard Conditions and Requirements</p> <p>SC 4.10-1 During construction of the proposed Project, the Project Developer shall require all construction contractors to comply with South Coast Air Quality Management District's (SCAQMD's) Rules 402 and 403 in order to minimize short-term emissions of dust and particulates.</p> <p>SC 4.10-2 Architectural coatings shall be selected so that the VOC content of the coatings is compliant with SCAQMD Rule 1113.</p> <p>SC 4.11-1 from Section 4.11, Greenhouse Gas Emissions, is applicable.</p>	<p>Though MM 4.10-1 would reduce the emissions to less than significant, the availability of sufficient Tier 4 diesel engine construction equipment cannot be assured. Therefore, for purposes of this EIR, the impacts are found to be Significant and Unavoidable</p> <p>Less Than Significant Impact</p> <p>Significant, Unavoidable Impact</p>

TABLE 1-2 (CONTINUED)
SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION PROGRAM

Thresholds Applied	Environmental Impacts/Level of Significance Before Mitigation	Summary of Mitigation Program: Project Design Features, Standard Conditions, and Mitigation Measures	Level of Significance After Mitigation
	to vehicle operations. Significant Impact Localized concentrations of CO at congested intersections would not exceed ambient air quality standards or CEQA significance thresholds. Less Than Significant Impact	Mitigation Measures MM 4.10-1 This measure requires the construction contractors to implement measures that would reduce NOx emissions. These measures principally require efficient construction traffic operations. MM 4.10-2 This measure requires the construction contractors to implement measures that would reduce emissions by utilizing efficient construction methods. MM 4.10-3 This measure requires the construction contractors to implement measures that would reduce emissions by reducing idling times and properly maintaining construction equipment. MM 4.10-4 This measure requires the construction contractors to encourage ridesharing and transit incentives for the construction crews. MM 4.10-5 This measure requires the construction contractors to incorporate additional dust control measures to minimize fugitive dust, PM10, and PM2.5 emissions. MM 4.10-6 This measure requires the construction and paving of Bluff Road as early as feasible to minimize dust generation. MM 4.10-7 This measure requires the construction contractors to sweep paved roads within and adjacent to the Project site if visible soil materials are carried to the streets. MM 4.10-8 The Landowner/Master Developer shall distribute a notice to all residents, schools, and other facilities within 100 feet of the Project site that states "the environmental analysis identifies a potential for excess dust pollution for short periods during heavy grading. Extra measures shall be taken to prevent the dust from leaving the Project site, but persons should be aware of the potential for pollution". MM 4.10-9 The Landowner/Master Developer shall appoint a person as a contact for complaints relative to construction impacts to the adjacent neighborhoods. A contact telephone	Less Than Significant Impact

TABLE 1-2 (CONTINUED)
SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION PROGRAM

Thresholds Applied	Environmental Impacts/Level of Significance Before Mitigation	Summary of Mitigation Program: Project Design Features, Standard Conditions, and Mitigation Measures	Level of Significance After Mitigation
		<p>number and email address shall be posted on signs at the construction site and shall be provided by mail to all residents within 500 feet of the Project site. Upon receipt of a complaint, the designated contact person shall investigate the complaint and shall develop corrective action, if needed.</p> <p>MM 4.10-10 Bicycle Facilities. Prior to the issuance of building permits for the following specific components of the Project, the Applicant shall demonstrate to the City of Newport Beach that adequate bicycle facilities are provided (measure outlines requirements).</p> <p>MM 4.10-11 Conservation Education – Mobile Sources. The future homeowners associations shall be required to provide educational information on mobile source emission reduction techniques to all homeowners as part of purchase closing documents for the purchase of a property and annually after the close of escrow.</p> <p>MM 4.10-12 Conservation Education – Consumer Products. The future homeowners associations shall be required to provide educational information on the positive benefits of using consumer products with low or no-volatile organic compounds (VOCs) (such as paint thinners and solvents) to all homeowners as part of purchase closing documents for the purchase of a property and annually after the close of escrow.</p>	
<p>Threshold 4.10-3: Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment under an applicable NAAQS or CAAQS (including releasing emissions that exceed quantitative thresholds for ozone precursors)?</p>	<p>The Project would have cumulatively considerable contributions to regional pollutant concentrations of O₃. Significant Impact</p>	<p>Project Design Features PDF 4.8-3 from Section 4.8, Recreation and Trails, is applicable PDFs 4.10-1 and 4.10-2 are applicable. PDF 4.11-2 through PDF 4.11-4 from Section 4.11, Greenhouse Gas Emissions, are applicable. Standard Conditions and Requirements SC 4.11-1 from Section 4.11, Greenhouse Gas Emissions, is applicable.</p>	Significant, Unavoidable Impact

TABLE 1-2 (CONTINUED)
SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION PROGRAM

Thresholds Applied	Environmental Impacts/Level of Significance Before Mitigation	Summary of Mitigation Program: Project Design Features, Standard Conditions, and Mitigation Measures	Level of Significance After Mitigation
		<i>Mitigation Measures</i> MM 4.10-9 and MM 4.10-11 are applicable. No mitigation is required.	Less Than Significant Impact
Threshold 4.10-4: Would the project expose sensitive receptors to substantial pollutant concentrations?	Health risk associated with Toxic Air Contaminants to both off-site and on-site receptors found the cancer risk, the cancer burden, the chronic hazard risk and the acute hazard risk are all below the SCAQMD thresholds. Less Than Significant Impact	No mitigation is required. <u>MM 4.10-13 Odor Complaints.</u> The future homeowners associations for Newport Banning Ranch shall be required to advise residents that complaints about offensive odors may be reported to the City using the Quest online format on the City web site and/or to the South Coast Air Quality Management District at 1-800-CUT-SMOG (1-800-288-7664). Disclosures shall be provided to prospective buyers/tenants of residential development regarding the potential of odors from the Project.	Less Than Significant Impact
Threshold 4.10-5: Would the project create objectionable odors affecting a substantial number of people?	Odors may be perceived from both construction and long-term operations, but these odors would be typical for the land use and operations. Odors from the oilfields are not anticipated to be perceptible at nearby developed sites. <u>Although no impacts are anticipated, a measure was added as a part of the Responses to Comments, Less Than Significant Impact with Mitigation</u>	No mitigation is required.	No Impact
Threshold 4.10-6: Would the project conflict with any applicable plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	The proposed Project would not conflict with the intent of applicable goals or policies adopted to avoid or mitigate impacts related to air quality. No Impact	No mitigation is required.	No Impact
SECTION 4.11 – GREENHOUSE GAS EMISSIONS			
Threshold 4.11-1: Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the	The Project would emit quantities of GHGs that would exceed the City's 6,000 MTCO ₂ /yr significance threshold. The Project would make a cumulatively considerable contribution	Project Design Features PDF 4.11-1 The Project will be consistent with a recognized green building program that exists at the time of final Project approval.	Cumulatively Significant, Unavoidable Emissions Impact

TABLE 1-2 (CONTINUED)
SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION PROGRAM

Thresholds Applied	Environmental Impacts/Level of Significance Before Mitigation	Summary of Mitigation Program: Project Design Features, Standard Conditions, and Mitigation Measures	Level of Significance After Mitigation
environment?	to the global GHG inventory. Cumulatively Significant Impact	<p>PDF 4.11-2 The Project will exceed adopted 2008 Title 24 energy requirements by a minimum of 5 percent.</p> <p>PDF 4.11-3 The Master Development Plan and the Newport Banning Ranch Planned Community Development Plan require the Project to be coordinated with Orange County Transportation Authority (OCTA) to allow for a transit routing through the community, and will provide bus stops and/or shelters as needed in the community to accommodate the bus routing needed by OCTA.</p> <p>PDF 4.11-4 The Newport Banning Ranch Planned Community Development Plan and the Master Development Plan require that all residential development will incorporate the measures that increase energy efficiency (measures identified in PDF), which will be reflected on and incorporated into every application for a subdivision map that creates residential lots.</p> <p>PDF 4.11-5 This PDF identifies measures to be implemented during grading activities that would reduce emissions associated with construction equipment and minimize the amount of the amount of construction solid waste disposed offsite (measures identified in PDF).</p> <p>PDF 4.8-3, from Section 4.8, Recreation and Trails, is applicable.</p> <p>PDFs 4.10-1 and 4.10-2 from Section 4.10, Air Quality, are applicable.</p> <p>Standard Conditions and Requirements</p> <p>SC 4.11-1 Energy Efficiency Standards. The Project shall be built in accordance with the California 2008 Building Energy Efficiency Standards for Residential and Nonresidential Buildings, commonly identified as the "2008 Title 24 Energy Efficiency Standards" or the version of these standards current at the time of the issuance of each building permit.</p>	

TABLE 1-2 (CONTINUED)
SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION PROGRAM

Thresholds Applied	Environmental Impacts/Level of Significance Before Mitigation	Summary of Mitigation Program: Project Design Features, Standard Conditions, and Mitigation Measures	Level of Significance After Mitigation
		<p><i>Mitigation Measures</i></p> <p>MM 4.11-1 Prior to the issuance of each occupancy permit, the Permit Applicant shall demonstrate the plan for the applicable future homeowners association to provide educational information to all homeowners on measures to reduce GHG. This will be done prior to individual purchase of property and again annually.</p> <p>MM 4.11-2 Prior to the issuance of the building permit for the hotel and each building permit for a multi-family complex with a swimming pool or spa, the Developer shall demonstrate that the plans incorporate energy efficient heating, pumps and motors.</p> <p>MM 4.11-3 Prior to the issuance of each building permit, the Developer shall demonstrate that light emitting diode (LED) lights will be used for traffic lights and LED or similar energy efficient lighting will be used for street lights and other outdoor lighting.</p> <p>MM 4.11-4 Prior to the issuance of each building permit for multi-family buildings, parks, and other public spaces, the Developer shall demonstrate that the plans include the installation of facilities for the collection of recyclable materials consistent with the recycle requirements of the City and the local waste collection contractor.</p> <p>MM 4.11-5 Prior to the issuance of each building permit for multi-family buildings with subterranean parking and the resort inn, the Applicant shall submit for approval to the Community Development Director that the plans include the (1) the designation of a minimum of three percent of the parking spaces for electric or hybrid vehicles and (2) installation of facilities for Level 2 electric vehicle recharging, unless it is demonstrated that the technology for these facilities or availability of the equipment current at the time makes this installation infeasible. Prior to the issuance of each building permit for residential buildings with attached garages, the Applicant shall submit for approval to the Community Development Director that the plans (1) identify a specific place or area for a Level 2 charging station could be</p>	

TABLE 1-2 (CONTINUED)
SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION PROGRAM

Thresholds Applied	Environmental Impacts/Level of Significance Before Mitigation	Summary of Mitigation Program: Project Design Features, Standard Conditions, and Mitigation Measures	Level of Significance After Mitigation
Threshold 4.11-2: Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	The proposed Project would be consistent with applicable SCAG, City of Newport Beach General Plan, and Coastal Act policies, and with measures recommended by the California Attorney General to reduce GHG emissions that would result in minimization of GHG emissions. No Impact	<u>safely installed in the future: (2) includes the necessary conduit to a potential future Level 2 charging station; and (3) the electrical load of the building can accommodate a Level 2 charging station.</u> MM 4.11-6 Prior to the issuance of each building permit for multi-family buildings, commercial building, park, and other public space, the Developer shall demonstrate that the plans include the installation of bicycle parking spaces at each facility. No mitigation is required.	Less Than Significant Impact
SECTION 4.12 – NOISE			
Threshold 4.12-1: Would the project expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	These thresholds were evaluated for the various phases of the Project. The evaluation for construction and long-term use of the site considered different factors. For long term operations, only those locations where impacts are identified are listed. The EIR section evaluates additional locations where less than significant impacts are identified. Construction Activities Construction activities would generate loud noises; however, all construction activities would be in compliance with the established standards. No Impact	Standard Conditions and Requirements SC 4.12-1 Project construction activities shall comply with the Newport Beach Noise Ordinance, which restricts hours of operation. SC 4.12-2 HVAC units shall be designed and installed in accordance with the Newport Beach Noise Ordinance. SC 4.12-3 All residential and hotel units shall be designed to ensure that interior noise levels in habitable rooms from exterior transportation sources shall not exceed 45 dBA CNEL. SC 4.12-4 In accordance with City of Newport Beach standards, rubberized asphalt or pavements offering equivalent or better acoustical properties shall be used to pave all public roads on the Project site and all off-site City of Newport Beach roads where improvements would be provided as a part of the Project.	Construction: No Impact Long-Term: 17th Street-MM 4.12-5 would reduce impacts to Less Than Significant. However, the City of Newport Beach cannot impose mitigation on another jurisdiction. Therefore, for purposes of this

TABLE 1-2 (CONTINUED)
SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION PROGRAM

Thresholds Applied	Environmental Impacts/Level of Significance Before Mitigation	Summary of Mitigation Program: Project Design Features, Standard Conditions, and Mitigation Measures	Level of Significance After Mitigation
	<p>Long-Term Operations The increased traffic volumes on 17th Street, west of Monrovia Avenue would expose sensitive receptors to noise levels in excess of City of Newport Beach's standards for changes to the ambient noise levels. At buildout, noise levels would also exceed significance thresholds in the City of Costa Mesa.</p> <p>Significant Impact For portions of the Newport Crest development, there would be a significant increase in the ambient noise level due to the projected traffic volumes in the buildout condition.</p> <p>Significant Impact Without attenuation, residential uses internal to the Project would be exposed to noise levels in excess of applicable standards. Significant Impact</p>	<p>Mitigation Measures MM 4.12-5 Prior to the issuance of the first building permit, the Applicant shall provide evidence to the City of Newport Beach that funds have been deposited with the City of Costa Mesa associated with the cost of one-time resurfacing 17th Street west of Monrovia Avenue with rubberized asphalt.</p> <p>MM 4.12-6 The grading plans for Bluff Road and 15th Street shall require the construction and installation of a noise barrier to reduce future traffic noise from the Bluff Road and 15th Street to the Newport Crest residences.</p> <p>MM 4.12-7 Concurrent with the grading permit for Bluff Road, the Applicant shall provide written notice of an offer of installing dual pane windows/sliding doors on the façade facing the Newport Banning Ranch property. The offer shall apply to the owners of the residences (Owners) directly adjacent to the Newport Banning Ranch property in the western and northern boundaries of Newport Crest Condominiums impacted by significant noise levels (significant being a cumulative increase over existing conditions of greater than 5 dBA) associated with the Project.</p> <p>MM 4.12-8 Prior to tract map approval for the residential areas adjacent to Bluff Road and North Bluff Road, the Applicant shall provide an acoustical analysis prepared by a qualified Acoustical Engineer that demonstrates residential exterior living areas would be exposed to noise levels below 65 dBA CNEL.</p> <p>MM 4.12-9 Truck deliveries and loading dock activities in commercial areas of the Project shall be restricted to between the hours of 7:00 AM and 10:00 PM on weekdays and Saturdays and shall be restricted to between the hours of 9:00 AM and 10:00 PM on Sundays and federal holidays.</p> <p>MM 4.12-10 Loading docks shall be sited to minimize noise impacts to adjacent residential areas. If loading docks or truck driveways are proposed as part of the Project's commercial areas within 200 feet of an existing home, an 8-foot-high</p>	<p>ELR, the impacts in Costa Mesa are assumed to remain Significant and Unavoidable</p> <p>Newport Crest-MM 4.12-6 would reduce impacts to levels within the "Clearly Compatible" or "Normally Compatible" classifications but would remain above the 5 dBA significance criterion in the General Plan.</p> <p>MM 4.12-7 would provide interior attenuation but because the City of Newport Beach does not have the authority to mandate the implementation of mitigation on private property that is not on the Project site,</p>

TABLE 1-2 (CONTINUED)
SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION PROGRAM

Thresholds Applied	Environmental Impacts/Level of Significance Before Mitigation	Summary of Mitigation Program: Project Design Features, Standard Conditions, and Mitigation Measures	Level of Significance After Mitigation
		<p>screening wall shall be constructed to reduce potential noise impacts.</p> <p>MM 4.12-11 Prior to the approval of a permit for the drilling of replacement oil wells in the Consolidated Oil Facility, the Applicant shall provide to the City of Newport Beach descriptions of the noise reduction methods to be used to minimize drilling activity noise.</p>	<p>the impact would be Significant and Unavoidable.</p> <p>Internal development- With SC 4.12-2 through SC 4.12-4 and MM 4.12-8, through MM 4.12-12 Less Than Significant Impact.</p>
Threshold 4.12-2: Would the project result in a temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	Construction equipment would result in a substantial temporary increase in ambient noise levels to nearby noise sensitive receptors in the vicinity of the Project. Due to the low existing ambient noise levels, the proximity of the noise-sensitive receptors, and duration of construction activities, the temporary noise increases would be significant. Significant Impact	<p>Mitigation Measures</p> <p>MM 4.12-1 Grading plans and specifications shall include temporary noise barriers for all grading, hauling, and other heavy equipment operations that would occur within 300 feet of sensitive off-site receptors and would occur for more than 20 days.</p> <p>MM 4.12-2 Prior to the start of grading, the Construction Manager shall provide evidence acceptable to the Public Works Director and/or Community Development Director, that best practices to minimize noise during construction are in place.</p> <p>MM 4.12-3 At least two weeks prior to the start of any grading operation or similar noise generating activities within 300 feet of residences or the Carden Hall school, the contractor shall notify affected residents and the school of the planned start date, duration, nature of the construction activity, and noise abatement measures to be provided.</p>	Significant, Unavoidable Impact
Threshold 4.12-3: Would the project expose people to or generate excessive groundborne vibration or groundborne noise levels?	Vibration may be noticeable for short periods during construction, but it would be temporary and periodic. Generally, the impact would not be excessive; however, if large construction	<p>Mitigation Measures</p> <p>MM 4.12-4 During construction, the operation of large bulldozers, vibratory rollers, and similar heavy equipment shall</p>	Less Than Significant Impact

TABLE 1-2 (CONTINUED)
SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION PROGRAM

Thresholds Applied	Environmental Impacts/Level of Significance Before Mitigation	Summary of Mitigation Program: Project Design Features, Standard Conditions, and Mitigation Measures	Level of Significance After Mitigation
	equipment is within 10 feet of older residences, there could be potential impacts. Potentially Significant Impact	be prohibited within 25 feet of any existing off-site residence.	
Threshold 4.12-5: Would the project be located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, expose people residing or working in the project area to excessive noise levels?	The Project site is not near a private airstrip and is outside of the limits of the Airport Land Use Plan for John Wayne Airport (JWA), which is approximately 4 miles to the northeast of the Project site. No Impact	No mitigation required.	No Impact
Threshold 4.12-6: Would the project be within the vicinity of a private airstrip and expose people residing or working in the project area to excessive noise levels?			
Threshold 4.12-7: Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	The proposed Project is consistent with the goals and policies of the City of Newport Beach General Plan related to noise. No Impact	No mitigation is required.	No Impact
SECTION 4.13 – CULTURAL AND PALEONTOLOGICAL RESOURCES			
Threshold 4.13-1: Would the project cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	The Project would not impact any known historical resources. However, grading and excavation could impact unknown historical resources. Potentially Significant Impact	Mitigation Measures MM 4.13-1 A qualified Archaeologist shall be retained to observe grading activities and to salvage and catalogue resources, as necessary. The Archaeologist shall be present at the pre-grade conference; shall establish procedures for archaeological resource surveillance; and shall establish, procedures for temporarily halting or redirecting work to permit	Less Than Significant Impact

**TABLE 1-2 (CONTINUED)
SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION PROGRAM**

Thresholds Applied	Environmental Impacts/Level of Significance Before Mitigation	Summary of Mitigation Program: Project Design Features, Standard Conditions, and Mitigation Measures	Level of Significance After Mitigation
Threshold 4.13-2: Would the project cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?	The Project would impact known archaeological resources. Three archaeological sites (CA-ORA-839, CA-ORA-844B, and CA-ORA-906) are deemed eligible for listing on California Register of Historic Resources (CRHR) and the National Register of Historic Properties (NRHP). Disturbance activities could also impact unknown resources. Potentially Significant Impact	Mitigation Measures MM 4.13-1 would be applicable. MM 4.13-2 Mitigation programs for each of the three sites known to be eligible for the CRHR and the NRHP have been proposed. The programs involve measures to preserve the sites, to the extent feasible and take actions to protect the resources in place. However, where disturbance would occur due to development and site remediation data recovery programs are identified. The measure has specific recommendations for each site.	Less Than Significant Impact
Threshold 4.13-3: Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	There are three mapped lithologic units that underlie the Project site. The San Pedro Sand and Palos Verdes Sand have high paleontological sensitivity. Grading activities could impact significant paleontological resources. Potentially Significant Impact	Mitigation Measures MM 4.13-3 A qualified Paleontologist shall be retained to observe grading activities and to conduct salvage excavation of paleontological resources, as necessary. The Paleontologist shall establish procedures for paleontological resources surveillance and procedures for temporarily halting or redirecting work to permit the sampling, identification, and evaluation of the fossils as appropriate. MM 4.13-4 Prior to the issuance of the first grading permit and/or action that would allow for Project site disturbance, a paleontological survey shall be conducted to record all paleontological resources present at the surface for those portions of the Project site where grading would occur that will affect Quaternary San Pedro Sand and Quaternary Palos Verdes Sand.	Less Than Significant Impact
Threshold 4.13-4: Would the project disturb any human remains, including those interred outside of formal cemeteries?	There is no indication of burials present on the Project site. Grading activities could impact unknown human remains. Potentially Significant Impact	Standard Conditions and Requirements SC 4.13-1 If human remains are found, the County Coroner shall be notified within 24 hours of the discovery. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the County Coroner has determined the appropriate treatment and disposition of the human remains. If the County	Less Than Significant Impact

TABLE 1-2 (CONTINUED)
SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION PROGRAM

Thresholds Applied	Environmental Impacts/Level of Significance Before Mitigation	Summary of Mitigation Program: Project Design Features, Standard Conditions, and Mitigation Measures	Level of Significance After Mitigation
Threshold 4.13-5: Would the project conflict with any applicable plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	The proposed Project would not conflict with any goals or policies of the City of Newport Beach General Plan or the Coastal Act related to historic, archaeological, and paleontological resources. No Impact	Coroner determines that the remains are or believed to be Native American, s/he shall notify the Native American Heritage Commission (NAHC), who will notify those persons it believes to be the most likely descended from the deceased Native American. No mitigation is required.	No Impact
SECTION 4.14 – PUBLIC SERVICES AND FACILITIES			
Fire Protection Threshold 4.14-1: Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection?	Site Planning Area 12b, the northerly block of Site Planning Area 10a, and the northerly block of Site Planning Area 10b cannot be served by Station Number 2 within the established response time. Less Than Significant Impact with Mitigation	Project Design Features PDF 4.14-1 The Master Development Plan requires that the Project be designed to provide fire-resistant construction for all structures adjoining natural open space, including utilizing fire-resistant building materials and sprinklers. Standard Conditions and Requirements SC 4.14-1 The Applicant shall pay the required Property Excise Tax to the City of Newport Beach, for public improvements and facilities associated with the City of Newport Beach Fire Department, City of Newport Beach Public Library, and City of Newport Beach public parks. SC 4.14-2 Prior to City approval of individual development plans for the Project, the Applicant shall obtain Fire Department review and approval of the site plan in order to ensure adequate access to the Project site.	Less Than Significant Impact

TABLE 1-2 (CONTINUED)
SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION PROGRAM

Thresholds Applied	Environmental Impacts/Level of Significance Before Mitigation	Summary of Mitigation Program: Project Design Features, Standard Conditions, and Mitigation Measures	Level of Significance After Mitigation
		<p>SC 4.14-3 Prior to the issuance of a Certificate of Occupancy, fuel modification shall be installed, completed, and inspected by the Fire Department.</p> <p>Mitigation Measures</p> <p>MM 4.14-1 Certificates of occupancy shall not be issued for any residential unit, the resort inn, or any commercial structure in Site Planning Areas 10a (northerly block only), 10b (northerly block only), and 12b until Fire Station Number 2 is rebuilt at a location that the Newport Beach Fire Department has determined is sufficient to provide fire response within the Fire Department's established response time standards.</p> <p>MM 4.14-2 The Applicant shall pay the City of Newport Beach a fire facilities impact fee equal to its fair share of the need for a relocated Fire Station Number 2.</p> <p>MM 4.14-3 Should a replacement station for Fire Station 2 not be constructed prior to the development of residential units, the resort inn, or any commercial structure in Site Planning Areas 10a (northerly block only), 10b (northerly block only), and 12b, the Applicant shall provide shall provide and improve a site within the Project site boundaries for a temporary facility of sufficient size to accommodate one engine company and one paramedic ambulance of at least nine firefighters on a 7-day/24-hour schedule prior to the issuance of certificates of occupancy for any development in the said Planning Areas. The site shall be within the Project limits of disturbance approved as a part of the Project such that no new environmental effects would occur.</p>	
Threshold 4.14-2: Would the project conflict with any applicable plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	The Project would not conflict with any goals or policies of SCAG, the City of Newport Beach General Plan, or the Coastal Act related to the provision of fire protection services. No Impact	No mitigation required.	No Impact

TABLE 1-2 (CONTINUED)
SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION PROGRAM

Thresholds Applied	Environmental Impacts/Level of Significance Before Mitigation	Summary of Mitigation Program: Project Design Features, Standard Conditions, and Mitigation Measures	Level of Significance After Mitigation
<p>Police Protection</p> <p>Threshold 4.14-3: Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection?</p>	<p>Police protection services can be provided to the Project site without significantly impacting existing and planned development within the City and without the need for new facilities. Less Than Significant Impact</p>	<p>Standard Conditions and Requirements</p> <p>SC 4.14-4 Prior to issuance of building permits, the City of Newport Beach Police Department shall review development plans for the incorporation of defensible space concepts to reduce demands on police services. The Applicant shall prepare a list of project features and design components that demonstrate responsiveness to defensible space design concepts.</p> <p>SC 4.14-5 Prior to the issuance of the first grading permit and/or action that would permit Project site disturbance, the Applicant shall provide evidence to the City of Newport Beach Police Department that a construction security service or equivalent service shall be established at the construction site along with other measures, as identified by the Police Department and the Public Works Department.</p>	<p>Less Than Significant Impact</p>
<p>Threshold 4.14-4: Would the project conflict with any applicable plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?</p>	<p>The proposed Project would not conflict with any goals or policies of SCAG, the City of Newport Beach General Plan, or the Coastal Act related to the provision of police protection services. Less Than Significant Impact</p>	<p>No mitigation is required.</p>	<p>Less Than Significant Impact</p>
<p>Schools</p> <p>Threshold 4.14-5: Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered school facilities, need for new or physically altered school facilities, the construction of which could cause significant environmental impacts, in order to</p>	<p>There is capacity within the NMUSD to accommodate the expected number of students from the Project. Less Than Significant Impact</p>	<p>Standard Conditions and Requirements</p> <p>SC 4.14-6 Pursuant to Section 65995 of the California Government Code, the Applicant shall pay developer fees at the time building permits are issued to the Newport-Mesa Unified School District; payment of the adopted fees would provide full and complete mitigation of school impacts.</p> <p>SC 4.14-7 New development within the Project site shall be subject to the same General Obligation bond tax rate as already applied to other properties within the Newport-Mesa Unified School District for Measure F (approved in 2005) and Measure A</p>	<p>Less Than Significant Impact</p>

TABLE 1-2 (CONTINUED)
SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION PROGRAM

Thresholds Applied	Environmental Impacts/Level of Significance Before Mitigation	Summary of Mitigation Program: Project Design Features, Standard Conditions, and Mitigation Measures	Level of Significance After Mitigation
maintain acceptable levels of service ratios or other performance objectives for public school facilities?		(approved in 2000) based upon assessed value of the residential and commercial uses.	
Threshold 4.14-6: Would the project conflict with any applicable plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	The proposed Project would not conflict with any goals or policies of SCAG, the <i>City of Newport Beach General Plan</i> , or the Coastal Act related to the provision of public school services. No Impact	No mitigation is required.	No Impact
Library Services Threshold 4.14-7: Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for library services?	Library services can be provided to the Project site without significantly impacting existing and planned development within the City and without the need for new facilities. No Impact	Standard Conditions and Requirements SC 4.14-1 is applicable.	No Impact
Threshold 4.14-8: Would the project conflict with any applicable plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose	The proposed Project would not conflict with any goals or policies of SCAG, the <i>City of Newport Beach General Plan</i> , or the Coastal Act related to the provision of public library services. No Impact	No mitigation is required.	Less Than Significant Impact

TABLE 1-2 (CONTINUED)
SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION PROGRAM

Thresholds Applied	Environmental Impacts/Level of Significance Before Mitigation	Summary of Mitigation Program: Project Design Features, Standard Conditions, and Mitigation Measures	Level of Significance After Mitigation
of avoiding or mitigating an environmental effect?			
Solid Waste Threshold 4.14-9: Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for solid waste services?	Solid waste services can be provided to the Project without significantly impacting existing and planned facilities. Less Than Significant Impact	Project Design Features PDF 4.11-5 from Section 4.11, Greenhouse Gas Emissions, is applicable.	Less Than Significant Impact
Threshold 4.14-10: Would the project conflict with any applicable plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	The proposed Project would not conflict with any goals or policies of SCAG, the <i>City of Newport Beach General Plan</i> , or the Coastal Act related to the provision of solid waste disposal services. No Impact	No mitigation is required.	Less Than Significant Impact
SECTION 4.15 – UTILITIES			
Water Supply Threshold 4.15-1: Would the project require or result in the construction of new water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	Implementation of the Project would increase demand for water supply, but would not require new water treatment facilities. Anticipated water demand would require construction of water distribution facilities, the majority of which would occur within the Project's development footprint. Less Than Significant Impact	Project Design Features PDF 4.15-1 The Newport Banning Ranch Planned Community Development Plan and the Master Development Plan require the use of native and/or drought-tolerant landscaping in public common areas to reduce water consumption. PDF 4.15-2 The Newport Banning Ranch Planned Community Development Plan and the Master Development Plan require the use of Smart Controller irrigation systems in all public and	Less Than Significant Impact

TABLE 1-2 (CONTINUED)
SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION PROGRAM

Thresholds Applied	Environmental Impacts/Level of Significance Before Mitigation	Summary of Mitigation Program: Project Design Features, Standard Conditions, and Mitigation Measures	Level of Significance After Mitigation
		<p>common area landscaping.</p> <p>PDF 4.15-3 The Newport Banning Ranch Planned Community Development Plan and the Master Development Plan include a plan for a domestic water system designed to take advantage of existing water transmission facilities to minimize off-site impacts.</p> <p>PDF 4.15-4 The Newport Banning Ranch Planned Community Development Plan and the Master Development Plan include a plan for the Project's water system to provide a level of redundancy by making a connection between the City of Newport Beach Zone 1 and Zone 2 water lines.</p> <p>PDF 4.11-1 and PDF 4.11-4 from Section 4.11, Greenhouse Gas Emissions, are applicable.</p> <p>Standard Conditions and Requirements</p> <p>SC 4.15-1 The City of Newport Beach Municipal Code establishes mandatory permanent water conservation requirements.</p> <p>SC 4.15-2 The City of Newport Beach Municipal Code establishes four levels of water supply shortage response actions to be implemented during times of declared water shortages.</p>	
Threshold 4.15-2: Would the project have insufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	Implementation of the Project would not exceed available water supply according to the Water Supply Assessment. Less Than Significant Impact	No mitigation is required.	Less Than Significant Impact
Threshold 4.15-3: Would the project conflict with any applicable plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning	The proposed Project would be consistent with the intent of the water supply goals and policies of SCAG and the City of Newport Beach General Plan. No Impact	No mitigation is required.	No Impact

TABLE 1-2 (CONTINUED)
SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION PROGRAM

Thresholds Applied	Environmental Impacts/Level of Significance Before Mitigation	Summary of Mitigation Program: Project Design Features, Standard Conditions, and Mitigation Measures	Level of Significance After Mitigation
ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			
Wastewater Facilities Threshold 4.15-4: Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	Implementation of the Project would increase generation of wastewater; however, wastewater flows from the Project site would not exceed the capacity of the existing treatment facilities. Therefore, treatment would be in accordance to treatment requirements set forth by the RWQCB. Less Than Significant Impact	No mitigation is required.	Less Than Significant Impact
Threshold 4.15-5: Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			
Threshold 4.15-6: Would the project conflict with any applicable plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	The proposed Project would be consistent with the intent of wastewater-related goals and policies of SCAG and the <i>City of Newport Beach General Plan</i> . No Impact	No mitigation is required.	No Impact
Energy Threshold 4.15-7: Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered energy transmission facilities, the construction of which could cause significant	There are existing electrical and natural gas facilities within and adjacent to the Project site. All utility providers have indicated their ability to serve the proposed Project. Physical impacts, and associated minimization measures, related to installation and/or relocation of necessary infrastructure are addressed as part of the proposed	Project Design Features PDF 4.6-4 from Section 4.6, Biological Resources and PDFs 4.11-1, 4.11-2, and 4.11-4 and PDF 4.11-5 from Section 4.11, Greenhouse Gas Emissions are applicable.	Less Than Significant Impact

TABLE 1-2 (CONTINUED)
SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION PROGRAM

Thresholds Applied	Environmental Impacts/Level of Significance Before Mitigation	Summary of Mitigation Program: Project Design Features, Standard Conditions, and Mitigation Measures	Level of Significance After Mitigation
environmental impacts, in order to maintain acceptable levels of service?	Project analyzed throughout this EIR. Less Than Significant Impact	<p>Standard Conditions and Requirements</p> <p>SC 4.10-1 in Section 4.10, Air Quality and SC 4.12-1 in Section 4.12, Noise would be applicable to reduce construction-related impacts.</p> <p>SC 4.15-3 The proposed Project shall meet or exceed all State Energy Insulation Standards and City of Newport Beach codes in effect at the time of application for building permits.</p> <p>Mitigation Measures</p> <p>MMs 4.10-1, 4.10-2, and 4.10-4 through 4.10-8 in Section 4.10, Air Quality and MM 4.12-1 through MM 4.12-5 in Section 4.12, Noise would be applicable to minimize construction-related impacts.</p>	
Threshold 4.15-8: Would the project conflict with any applicable plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	The proposed Project would be consistent with the intent of the energy-related goals and policies SCAG and of the <i>City of Newport Beach General Plan</i> . No Impact	No mitigation is required.	No Impact

Attachment No. PC 4

Draft Response to Comments and Errata

Attachment No. PC 5

Draft Mitigation, Monitoring and Report
Program

Attachment No. PC 6

Correspondence

Alford, Patrick

From: Dorothy Kraus [medjkraus@yahoo.com]
Sent: Monday, October 24, 2011 3:07 PM
To: Alford, Patrick
Subject: Newport Banning Ranch DEIR - Comments and Questions

Dear Patrick,

We object to the Newport Banning Ranch project as proposed. Please include our comments and questions below in the records of any and all proceedings relating to this project and its successors.

Regarding SECTION 6.0, LONG-TERM IMPLICATIONS OF THE PROPOSED PROJECT, Sub-Section 6.1 ANY SIGNIFICANT ENVIRONMENTAL EFFECTS WHICH CANNOT BE MITIGATED, 1st paragraph under Land Use which states starting with the fourth sentence as follows:

'The proposed Project would result in a land use incompatibility with respect to long-term noise and night illumination on those Newport Crest residences immediately contiguous to the Project site. The City of Newport Beach General Plan Final EIR found that the introduction of new sources of lighting associated with development of the site would be considered significant and unavoidable. In certifying the General Plan Final EIR and approving the General Plan project, the City Council approved a Statement of Overriding Considerations which notes that there are specific economic, social, and other public benefits that outweigh the significant unavoidable impacts associated with the General Plan project.'

In the first sentence, please specify what Newport Crest residents are assumed to be 'immediately contiguous' to the project site including street number and street name e.g., 3 Wild Goose Court.

Regarding the underlined sentences above starting with the second sentence, the Banning Ranch DEIR does not provide a cross-reference to the General Plan Final EIR where the City has approved a Statement of Overriding Considerations.

Please provide this cross-reference to the City's General Plan Final EIR for clarity. Also, please provide specific examples of 'other public benefits that outweigh the significant unavoidable impacts associated with the General Plan' including specific benefits that would outweigh the significant unavoidable impacts related to long-term noise and night illumination to those Newport Crest residents contiguous to the Project site.
Thank you.

Mike and Dorothy Kraus
10 Wild Goose Court
Newport Beach, CA 92663

Alford, Patrick

From: DORENE CHRISTENSEN [dorene_3@yahoo.com]
Sent: Wednesday, November 09, 2011 11:45 AM
To: Alford, Patrick
Subject: Bruce Bartram of Newport Banning Ranch, DEIR comment III

This is unbelievable that anyone here at Newport Crest Homeowners Association would agree to allow the City of Newport Beach to invade our private property (Ticonderoga Street) and actually have this agreement recorded with the Orange County Recorder as "The Agreement for Ticonderoga Street". This was apparently done Sept. 19, 1984. I have lived here in Newport Crest since July of 1976. This so-called Agreement was never discussed or brought to a vote for the members of the Association. Newport Crest has 460 homes - and with this many families involved - how could an agreement such as this be accomplished without anyone's knowledge? This sounds very fraudulent to me. How could the city even consider making this small 2 lane street into a commuter roadway?? Ticonderoga is our own only way to enter or exit our small neighborhood. Taking our private property & making it into a commuter road would be a disaster beyond words to describe it. PLEASE do not let this disaster occur. Thank you for your consideration.

Dorene M. Christensen
19 Baruna Court
Newport Beach 92663

RECEIVED BY

COMMUNITY

OCT 19 2011

DEVELOPMENT
CITY OF NEWPORT BEACH

October 14, 2011

Mr. Patrick Alford
City of Newport Beach
3300 Newport Blvd.
Newport Beach, CA 92663


Dear Patrick,

On behalf of the Newport Crest individuals whose signatures and December 2010 letter to the owners and developers of Banning Ranch are enclosed, we hereby object to the current proposed development plan for Banning Ranch.

As stated in the December 2010 letter, the location of the proposed Bluff Road is of grave concern. Arterial roadways should not be in such close proximity to residential communities. Additionally, the planned development will have significant and unavoidable impacts on the Crest community such as lighting, air quality, and noise.

Please include these materials into the official Newport Banning Ranch dEIR record and any of its successors.

Respectfully submitted,



Mike and Dorothy Kraus
10 Wild Goose Court
Newport Beach, CA 92663
949-337-6651
medjkraus@yahoo.com

Enclosures

December 21, 2010

To: Mr. George Basye, Aera Energy LLC, Newport Banning Ranch
Mr. Philip Bettencourt, Newport Banning Ranch
Mr. Mike Mohler, Brooks Street, Newport Banning Ranch
Mr. Chris Yelich, Brooks Street, Newport Banning Ranch

From: Concerned Newport Crest Residents

Subj: Banning Ranch

Gentlemen:

Thank you for taking the time to meet with Newport Crest residents at the August 2010 Newport Crest Board meeting, and again in late October at the home of a Newport Crest resident. We also appreciate your taking us on the walking tour of Banning Ranch in early November. We have been most impressed with your professionalism and your willingness to meet with us.

However, we are compelled to tell you that the current plan for Banning Ranch is unacceptable to us. The location of the proposed Bluff Road is of grave concern. Arterial roadways should not be designed in such close proximity to residential communities. Additionally, the planned Newport Banning Ranch development will have significant impact on us including pollution, noise, lights, safety, security, water use, and lost views as well as the destruction of Banning Ranch habitat.

Our preferred option for Banning Ranch is in keeping with the Newport Beach General Plan which is to preserve the entire area as open space. A core group of concerned Newport Crest residents has formed with the goal to organize all of Newport Crest to preserve Banning Ranch as open space.

It is our understanding that Measure M money is available for open space acquisitions such as Banning Ranch. Such money could cover your expenses to date and still provide you with a profit.

We hope that you will consider this 'win-win' approach for all concerned parties and we can continue to work with you and the Banning Ranch owners to attain this goal.

Please let us know how we can help. For further information please contact us at ConcernedResidentsOfNewportCrest@yahoo.com.

Sincerely,

Signatures on following pages

cc: Mr. John Mazzarino, Managing Director, Cherokee Investments
Honorable Mayor and Members of the Newport Beach City Council
Newport Crest Homeowners Association Board of Directors

Letter to Newport Banning Ranch Owners/Developers from
Newport Crest Residents - December 2010

Signature: [Signature]
Print Name: Dave Sutherland
Address: 12 Summerwind
Signature: [Signature]
Print Name: MARIA-TERESA STANLEY
Address: 18 Kamalii Court
Signature: [Signature]
Print Name: Hobie O'Connor
Address: 21 Kamalii Court
Signature: [Signature]
Print Name: 14 Kamalii Ct.
Address: Bryan Wecker
Signature: [Signature]
Print Name: Harvey Hill
Address: 19 GRETCH CT
Signature: [Signature]
Print Name: Adam Markham
Address: 19 Gretel Ct
Signature: [Signature]
Print Name: Lauri C Smith
Address: Gretel
Signature: [Signature]
Print Name: Kelly Hasegawa
Address: 21 Gretel Ct.

Signature: [Signature]
Print Name: BARRY SE WESTON
Address: 23 Gretel CT
Signature: [Signature]
Print Name: CHERIE BROKAW
Address: 23 GRETCH CT NPB
Signature: [Signature]
Print Name: _____
Address: 12 Summerwind
Signature: _____
Print Name: _____
Address: _____
Signature: _____
Print Name: _____
Address: _____
Signature: _____
Print Name: _____
Address: _____
Signature: _____
Print Name: _____
Address: _____
Signature: _____
Print Name: _____
Address: _____

Letter to Newport Banning Ranch Owners/Developers from
Newport Crest Residents - December 2010

Signature: [Signature]

Print Name: Linda Hodges

Address: 18 Arroyo (4 NB 92003)

Signature: [Signature]

Print Name: Linda Hodges

Address: 18 Arroyo (4 NB 92003)

Signature: Mary Carpenter

Print Name: MARY CARPENTERS

Address: 6 ARIES CR

Signature: _____

Print Name: _____

Address: _____

Signature: _____

Print Name: _____

Address: _____

Signature: _____

Print Name: _____

Address: _____

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Print Name: _____

Address: _____

**Letter to Newport Banning Ranch Owners/Developers from
Newport Crest Residents - December 2010**

Signature: Rich Komisarick
Print Name: Rich Komisarick
Address: 9 Wild Goose Ct. Newport Beach, CA

Signature: Vicki Komisarick
Print Name: Vicki Komisarick
Address: 9 Wild Goose Ct., NPB, CA

Signature: Dorothy Kraus
Print Name: Dorothy Kraus
Address: 10 Wild Goose, NB CA

Signature: Michael Kraus
Print Name: Michael Kraus
Address: 10 Wild Goose

Signature: Ram Reynoso
Print Name: Ram Reynoso
Address: 6 Wild Goose

Signature: Jennifer L. Hanna
Print Name: Jennifer L. Hanna
Address: 4 Wild Goose

Signature: Karen Rogers
Print Name: KAREN ROGERS
Address: 14 Wild Goose Ct

Signature: Ruth Saunders
Print Name: 7 Wild Goose
Address: RUTH SAUNDERS

Signature: George W Smith
Print Name: GEORGE W SMITH
Address: 12 Wild Goose Ct

Signature: Thanelle Challen
Print Name: Thanelle Challen
Address: 21 Wild Goose NB CA 92663

Signature: Mike Challen
Print Name: Mike Challen
Address: 21 Wild Goose Ct NB 92663

Signature: Elizabeth Dullen
Print Name: Elizabeth Dullen
Address: 26 Wild Goose

Signature: Paul Peterson
Print Name: Paul Peterson
Address: 3 Mojo Ct.

Signature: Tom Bennington
Print Name: Tom Bennington
Address: 10 Mojo Ct

Signature: James Harrison
Print Name: JAMES HARRISON
Address: 2 Wild Goose Ct.

Signature: Robert Thordike
Print Name: Robert Thordike
Address: 3 Wild Goose Ct

**Letter to Newport Banning Ranch Owners/Developers from
Newport Crest Residents - December 2010**

Signature: *Gary A. Garber*
 Print Name: Gary A. Garber
 Address: 8 Landfall Court

Signature: *Kondace Garber*
 Print Name: KONDACE GARBER
 Address: 8 LANDFALL COURT

Signature: *Arion Lopez*
 Print Name: Arion Lopez
 Address: 8 Escapade Ct.

Signature: *Mark Scott*
 Print Name: Mark Scott
 Address: 2 Escapade

Signature: *Ryan Anderson*
 Print Name: Ryan Anderson
 Address: 2 Escapade Ct

Signature: *Dianne Kanawalt*
 Print Name: DIANNE KANAWALT
 Address: 3 Escapade Ct.

Signature: *Scott Thurnault*
 Print Name: Scott Thurnault
 Address: 11 Escapade Ct / NB CA 92663

Signature: *Gregory Marchman*
 Print Name: GREGORY MARCHMAN
 Address: #7 ESCAPADE CT.

Signature: *Lydée Marchman*
 Print Name: Lydée Marchman
 Address: 7 Escapade Ct. NB

Signature: *Lanny Jones*
 Print Name: LANNY JONES
 Address: 7 ESCAPADE CT NB

Signature: *Arion Wing*
 Print Name: Arion Wing
 Address: 8 Escapade Ct

Signature: *Aileen Wing*
 Print Name: Aileen Wing
 Address: 8 Escapade Ct

Signature: *Jody Patterson*
 Print Name: JODY PATTERSON
 Address: 15 ESCAPADE CT.

Signature: *Rob Patterson*
 Print Name: 15 Escapade Ct.
 Address: ROB PATTERSON

Signature: *Sam Gleser*
 Print Name: Sam Gleser
 Address: 17 Tribute Ct.

Signature: *Sara O'Brien*
 Print Name: SARA O'BRIGHT
 Address: 18 Tribute Ct.

**Letter to Newport Banning Ranch Owners/Developers from
Newport Crest Residents - December 2010**

Signature: [Signature]

Print Name: JAMES E. WILKOST

Address: KIALOA CT

Signature: [Signature]

Print Name: _____

Address: KIALOA CT

Signature: [Signature]

Print Name: DAVID KERSEY

Address: 10 KIALOA CT

Signature: [Signature]

Print Name: NING SOU KIM

Address: 6 KIALOA CT

* Signature: [Signature]

Print Name: Riley Watson

Address: 12 Kialoa Ct.

Signature: [Signature]

Print Name: ROBIN PARK

Address: 3 Kialoa Ct.

Signature: [Signature]

Print Name: Robert Fine

Address: 24 Crest CT.

Signature: _____

Print Name: _____

Address: _____

Signature: _____

Print Name: _____

Address: _____

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Print Name: _____

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Signature: _____

Print Name: _____

Address: _____

**Letter to Newport Banning Ranch Owners/Developers from
Newport Crest Residents - December 2010**

Signature: George Horsch

Print Name: George Horsch

Address: 14 Tribute Ct

Signature: _____

Print Name: _____

Address: _____

Signature: William Wolf

Print Name: William Wolf

Address: 8 Tribute Court

Signature: _____

Print Name: _____

Address: _____

Signature: Vivian McCallin

Print Name: Vivian McCallin

Address: 8 TRIBUTE CT
NB CA 92663

Signature: _____

Print Name: _____

Address: _____

Signature: Joe Hummel

Print Name: Joe Hummel

Address: 9 TRIBUTE CT
NB CA 92663

Signature: _____

Print Name: _____

Address: _____

Signature: Jeff Peddie

Print Name: JEFF PEDDIE

Address: 3 TRIBUTE CT

Signature: _____

Print Name: _____

Address: _____

Signature: Gail Peddie

Print Name: Gail Peddie

Address: 3 TRIBUTE COURT
N.B.

Signature: _____

Print Name: _____

Address: _____

Signature: _____

Signature: _____

Print Name: _____

Print Name: _____

Address: _____

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Signature: _____

Signature: _____

Print Name: _____

Print Name: _____

Address: _____

Address: _____

Letter to Newport Banning Ranch Owners/Developers from
Newport Crest Residents - December 2010

Signature: [Signature]
Print Name: KATIE KATTENGER
Address: 20 ODYSSEY CT.

Signature: [Signature]
Print Name: John MANLEY
Address: 100 Columbia

Signature: [Signature]
Print Name: SPAD RODRIGUEZ
Address: 107 Columbia

Signature: [Signature]
Print Name: C. DELVIE
Address: 103 Columbia

Signature: Susana Tamayo
Print Name: SUSANA TAMAYO
Address: 101 COLUMBIA

Signature: [Signature]
Print Name: Con McEllenline
Address: 2 ODYSSEY CT

Signature: [Signature]
Print Name: Michelle McKernan
Address: 16 Odyssey

Signature: [Signature]
Print Name: Damie McKernan
Address: 16 Odyssey Ct

Signature: [Signature]
Print Name: SETH Thompson
Address: 11 ODYSSEY COURT

Signature: [Signature]
Print Name: Jessica D. Johnson
Address: 11 Odyssey Ct.

Signature: [Signature]
Print Name: John Townshend
Address: 25 ODYSSEY

Signature: [Signature]
Print Name: David Leane
Address: 505 Columbia

Signature: [Signature]
Print Name: ~~BECCA~~ TIZIANA TROVATI
Address: 503 Columbia

Signature: [Signature]
Print Name: Linda Vas
Address: 17 Odyssey

Signature: [Signature]
Print Name: Norm Bergstrom
Address: 3 Odyssey

Signature: [Signature]
Print Name: JELBY SPELL
Address: 7 ODYSSEY COURT

**Letter to Newport Banning Ranch Owners/Developers from
Newport Crest Residents - December 2010**

Signature: Bill Bennett

Print Name: BILL BENNETT

Address: 10 ODYSSEY CT

Signature: [Signature]

Print Name: Shoko T. Bennett

Address: 10 Odyssey Ct.

Signature: Mary Connel

Print Name: MARY CONNEL

Address: 1 Odyssey Ct.

Signature: Jane C. Warden

Print Name: JANE C. WARDEN

Address: 9 Odyssey Ct NB

Signature: [Signature]

Print Name: Kelly Fallgren

Address: 1 Serena Ct, NB

Signature: Jane Giss

Print Name: JANE GISS

Address: 1 SERENA COURT

Signature: N. J. Suter

Print Name: NORMAN SUTER

Address: 14 ODYSSEY CT.

Signature: [Signature]

Print Name: Matt Anderson

Address: 8 ODYSSEY CT

Signature: [Signature]

Print Name: Richard Covrston

Address: 7 Serena Ct.

Signature: Charles D. Bruner

Print Name: CHARLES D. BRUNER

Address: 11 Serena Ct

Signature: Shela Toni Bruner

Print Name: SHELA TONI BRUNER

Address: 11. SERENA CRT NB Cal.

Signature: [Signature]

Print Name: ERIC WERNER

Address: 9 SERENA

Signature: [Signature]

Print Name: [Signature]

Address: 5 SERENA CT.

Signature: James D. Bode

Print Name: JAMES D. BODE

Address: 4 BERENA CT.

Signature: [Signature]

Print Name: Chris Blaxo

Address: 15 ODYSSEY CT 92663

Signature: [Signature]

Print Name: Paul Van der Kolk

Address: 402 COLUMBIA ST.

Letter to Newport Banning Ranch Owners/Developers from
Newport Crest Residents - December 2010

Signature: Vida Nelson
Print Name: Vida Nelson
Address: Ima Loa Ct

Signature: Don Segura
Print Name: Don Segura
Address: 8 Ima Loa

Signature: Nancy Simonian
Print Name: N^{MCY} SIMONIAN
Address: 9 IMA LOA COURT

Signature: Stephanie Conway
Print Name: Stephanie Conway
Address: 11 Ima Loa Ct

Signature: James Nayle
Print Name: James Nayle
Address: 27 Ima Loa Ct.

Signature: Morice Nagle
Print Name: Morice Nagle
Address: 27 Ima Loa

Signature: Joseph McDonald
Print Name: Joseph McDonald
Address: 31 Ima Loa Ct.

Signature: Melinda Nish
Print Name: MELINDA NISH
Address: 32 IMA LOA CT

Signature: Harry Pemberton
Print Name: HARRY PEMBERTON
Address: 33 IMA LOA CT., NEWPORT BEACH, CA

Signature: Myrtle Ewing
Print Name: Myrtle Ewing
Address: 5 Swift Ct. Newport Beach CA

Signature: Keith Ewing
Print Name: Keith Ewing
Address: 5 Swift Ct., Newport Bch, CA

Signature: Jane M. Drew
Print Name: JANE M. DREW
Address: 6 Swift Court Newport Beach CA 92663

Signature: Patricia Sullivan
Print Name: PATRICIA SULLIVAN
Address: 19 Swift Ct NB. 92663

Signature: Matt Eddy
Print Name: Matt Eddy
Address: Swift Ct.

Signature: Catherine Manley
Print Name: Catherine Manley
Address: 20 Swift Ct.

Signature: Gary G. Brown
Print Name: GARY G. BROWN
Address: 21 LANDALL CT

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MP

Page 34 711

Letter to Newport Banning Ranch Owners/Developers from
Newport Crest Residents - December 2010

Signature:

Print

Address



ED BURCHILL
1 ENCORE CT
NEWPORT BEACH CA 92663-2364

Signature:

Print Name:

Address:

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Print Name:

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Letter to Newport Banning Ranch Owners/Developers from
Newport Crest Residents - December 2010

Signature: [Signature]

Print Name: SEAN LUTCH

Address: 16 ARIES CT

Signature: [Signature]

Print Name: Nichelle McRorie

Address: 16 Aris Ct

Signature: [Signature]

Print Name: Lindsey Noll

Address: 112 17th St

Signature: [Signature]

Print Name: Bill Bernidge

Address: 555 FIVE DRIVE #100

Signature: [Signature]

Print Name: Melanie Flory

Address: 18693 Maplewood Circle

Signature: [Signature]

Print Name: Steve Coxemque

Address: 14 Ave East NE

Signature: [Signature]

Print Name: Michael Logan

Address: 4 Aris Court

Signature: [Signature]

Print Name: John Perry

Address: 10 Aris Ct

Signature: [Signature]

Print Name: John Voca

Address: 23 ARIES CT.

Signature: [Signature]

Print Name: Dianne Siebert

Address: 9 Aris Ct

Signature: [Signature]

Print Name: Turkey Beaud

Address: 12 Aris Ct

Signature: [Signature]

Print Name: Harold Kates

Address: 15 ARIES CT.

Signature: [Signature]

Print Name: Brett W Beard JR

Address: 13 Aris Court

Signature: [Signature]

Print Name: Judy Hollingsworth Stone

Address: 19 Aris Ct, Newport Bk 92663

Signature: [Signature]

Print Name: Robert Stone

Address: 19 Aris Ct, Newport Bk

Signature: [Signature]

Print Name: Brian Cross

Address: 2 Aris Ct.

aries ct

Letter to Newport Banning Ranch Owners/Developers from
Newport Crest Residents - December 2010

Signature: Mike Siebert

Print Name: Mike Siebert

Address: 9 Aries Ct. N.B.

Signature: Godelle Siebert

Print Name: Godelle Siebert

Address: 9 Aries Court

Signature: Mell Finch

Print Name: Mell Finch

Address: 5 Aries Ct.

Signature: Melody Perry

Print Name: Melody Perry

Address: 10 aries ct NB

Signature: Paula V. Fisher

Print Name: Paula V. Fisher

Address: 8 Aries Ct N.B.

Signature: Mike O'Brien

Print Name: Mike O'Brien

Address: 1 Aries Ct

Signature: Chris Smith

Print Name: Chris Smith

Address: 1 Aries Court

Signature: John Townsend

Print Name: John Townsend

Address: 25 Odyssey Ct

Signature: Danielle Moore

Print Name: Danielle Moore

Address: 1 Aries Ct.

Signature: Kathe Monsette

Print Name: Kathe & Bill Monsette

Address: 72 Aries Ct.

Signature: Bill Monsette

Print Name: Bill Monsette

Address: 22 Aries Ct

Signature: Sara DeVore

Print Name: Sara DeVore

Address: 21 Aries Ct.

Signature: Beatriz S. Sato

Print Name: BEATRIZ G. SATO

Address: 17 ARIES COURT

Signature: Katie Mayfield

Print Name: Katie Mayfield

Address: 16 Aries Ct.

Signature: Emily Glass

Print Name: Emily Glass

Address: 16 Aries Ct

Signature: Val Wilkerson

Print Name: Val Wilkerson

Address: 16 Aries Ct

**Letter to Newport Banning Ranch Owners/Developers from
Newport Crest Residents - December 2010**

Signature: Linda Mendenhall

Print Name: Linda Mendenhall

Address: Goodwill Court, NB, CA

Signature: Charles Mendenhall

Print Name: Charles Mendenhall

Address: 8 Goodwill Court, Newport Bch.

Signature: Dan Simone

Print Name: Dan Simone

Address: 26 Goodwill Ct

Signature: Jacques de Quillien

Print Name: Jacques de Quillien

Address: 4 Goodwill Ct

Signature: Olga de Quillien

Print Name: Olga de Quillien

Address: 4 Goodwill Ct

Signature: Kelly Flynn

Print Name: Kelly Flynn

Address: 22 Goodwill Ct

Signature: Troy Joyce

Print Name: TROY JOYCE

Address: 9-ROBON CT. NB CA 92663

Signature: Brett Czevise

Print Name: BRETT CZEVISE

Address: 9 ROBSON CT NB, CA 92663

Signature: Steve Marosi

Print Name: Steve Marosi

Address: 8 ROBON CT, N.B. 92663

Signature: Cynthia Lurik

Print Name: 8 Robon Ct Cynthia Lurik

Address: 8 Robon Ct NB-92663

Signature: Pat Eads

Print Name: 11 Robon Ct

Address: 11 Robon Ct.

Signature: Keith Fulthorp

Print Name: Keith Fulthorp

Address: 6 Robon Ct.

Signature: RH Roberts

Print Name: RH Roberts

Address: 15 Goodwill Ct.

Signature: Linda Edwards

Print Name: LINDA EDWARDS

Address: 19 Goodwill Ct.

Signature: Patricia Carroll

Print Name: Patricia Carroll

Address: 20 Goodwill Ct.

Signature: Robert M. Scott

Print Name: Robert M. Scott

Address: 23 Goodwill Ct.

**Letter to Newport Banning Ranch Owners/Developers from
Newport Crest Residents – December 2010**

Signature: Suzanne Forster
Print Name: SUZANNE FORSTER
Address: 8 Summerwind Court

Signature: _____
Print Name: _____
Address: _____

Signature: Allen Forster
Print Name: ALLEN FORSTER
Address: 8 Summerwind Court

Signature: _____
Print Name: _____
Address: _____

Signature: Sandra L. McCaffrey
Print Name: Sandra L. McCaffrey
Address: 9 Summerwind Court

Signature: _____
Print Name: _____
Address: _____

Signature: Mary Lee
Print Name: MARY LEE
Address: 7 Summerwind Court

Signature: _____
Print Name: _____
Address: _____

Signature: Rahul Patel
Print Name: RAHUL PATEL
Address: 4 SUMMERWIND CT

Signature: _____
Print Name: _____
Address: _____

Signature: Frederick Marsh
Print Name: Frederick Marsh
Address: 1 Summerwind Ct

Signature: _____
Print Name: _____
Address: _____

Signature: Henrik Frank
Print Name: HENRIK FRANK
Address: 17 SUMMERWIND

Signature: _____
Print Name: _____
Address: _____

Signature: _____
Print Name: _____
Address: _____

Signature: _____
Print Name: _____
Address: _____

Letter to Newport Banning Ranch Owners/Developers from
Newport Crest Residents - December 2010

Signature: [Signature]

Print Name: Jonathan Beach

Address: 20 Landfall

Signature: [Signature]

Print Name: JOEY GROSSO

Address: 17 Landfall

Signature: [Signature]

Print Name: Jill Spencer

Address: 17 Landfall ct

Signature: [Signature]

Print Name: Jacqueline Davidson

Address: 16 Land Fall Ct

Signature: [Signature]

Print Name: Joshua Aia

Address: 4 Landfall Ct

Signature: [Signature]

Print Name: JAMES STANISIAK

Address: 5 Landfall Ct

Signature: [Signature]

Print Name: LYNN CANALLA

Address: 10 Landfall Ct

Signature: [Signature]

Print Name: Tom Berliner

Address: 14 Landfall ct

Signature: [Signature]

Print Name: ARIELS COMPTON CRUCE

Address: 17 SWIFT COURT

Signature: [Signature]

Print Name: RICHARD F. CRUCE

Address: 17 SWIFT COURT

Signature: [Signature]

Print Name: CATHY MALIKENUS

Address: Aries Ct.

Signature: [Signature]

Print Name: Paul W Malkemus

Address: 7 Aries Ct

Signature: _____

Print Name: _____

Address: _____

Signature: _____

Print Name: _____

Address: _____

Signature: _____

Print Name: _____

Address: _____

Signature: _____

Print Name: _____

Address: _____

Letter to Newport Banning Ranch Owners/Developers from
Newport Crest Residents - December 2010

Signature: [Signature]

Print Name: LEONARD DAVIS

Address: 10 GOODWILL CT

Signature: [Signature]

Print Name: Dustin Brener

Address: 10 Goodwill Ct

Signature: [Signature]

Print Name: Kelli Enright

Address: 1 Goodwill Court

Signature: [Signature]

Print Name: Wesley Baker

Address: 11 Goodwill Court

Signature: [Signature]

Print Name: Susan Hawley

Address: 11 Goodwill Court

Signature: [Signature]

Print Name: Greg Martin

Address: 118 25th St

Signature: [Signature]

Print Name: Ralph Jones

Address: 11 Goodwill Ct.

Signature: [Signature]

Print Name: Ashted Pugh

Address: 22 Goodwill Ct.

Signature: [Signature]

Print Name: Nik Santini

Address: 21 Goodwill

Signature: [Signature]

Print Name: Michelle Hernandez

Address: 14 Goodwill Court

Signature: [Signature]

Print Name: Noris Barakat

Address:

Signature: Clancy Holligan

Print Name: Clancy Holligan

Address: 5 Goodwill Ct.

Signature: [Signature]

Print Name: Maryann Goodman

Address: 10 Goodwill Ct.

Signature: [Signature]

Print Name: R.M. Elliott

Address: 17 Goodwill Ct

Signature:

Print Name:

Address:

Signature:

Print Name:

Address:

Letter to Newport Banning Ranch Owners/Developers from
Newport Crest Residents - December 2010

Signature: Don Funk

Print Name: Don Funk

Address: 18 Tribute Court

Signature: Deborah Winger

Print Name: DEBORAH WINGER

Address: 23 Escapade Ct

Signature: Allan Winger

Print Name: Allan Winger

Address: 23 Escapade Court

Signature: Michael Tandberg

Print Name: MICHAEL TANDBERG

Address: 24 ESCAPADE CT

Signature: Dan Callahan

Print Name: Dan Callahan

Address: 26 Escapade

Signature: Diane Weinsheimer

Print Name: Diane Weinsheimer

Address: 5 Zucore Ct.

Signature: Lawrence F. Boley

Print Name: Lawrence F. Boley

Address: 12 Kamalii Ct.

Signature: Sally Lind

Print Name: Sally Lind

Address: 3 Kamalii Ct.

Signature: Craig Lind

Print Name: Craig Lind

Address: 3 Kamalii Ct

Signature: Tom Giancursio

Print Name: Tom Giancursio

Address: 5 Kamalii

Signature: Eric Finley

Print Name: ERIC FINLEY

Address: 20 KAMALII CT

Signature: _____

Print Name: _____

Address: _____

Signature: _____

Print Name: _____

Address: _____

Signature: _____

Print Name: _____

Address: _____

Signature: _____

Print Name: _____

Address: _____

Signature: _____

Print Name: _____

Address: _____

**Letter to Newport Banning Ranch Owners/Developers from
Newport Crest Residents - December 2010**

Signature: [Signature]

Print Name: Kristen Davis

Address: 25 Goodwill Ct

Signature: [Signature]

Print Name: JANET L. SOUTHERN

Address: 2 GOODWILL CT.

Signature: [Signature]

Print Name: _____

Address: 7 Goodwill

Signature: [Signature]

Print Name: OLWEN HAGEMAN

Address: 1 Goodwill

Signature: _____

Print Name: _____

Address: _____

Signature: _____

Print Name: _____

Address: _____

Signature: _____

Print Name: _____

Address: _____

Signature: _____

Print Name: _____

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Print Name: _____

Address: _____

**Letter to Newport Banning Ranch Owners/Developers from
Newport Crest Residents - December 2010**

Signature: [Signature]

Print Name: MATTHEW BRELO

Address: 17 MOJO COURT

Signature: [Signature]

Print Name: Scott Ertz

Address: 11 Wild Goose Court

Signature: [Signature]

Print Name: JOANNE BAKER

Address: 3 WILD GOOSE CT

Signature: [Signature]

Print Name: JILL A. ERTZ

Address: 11 WILD GOOSE CT

Signature: [Signature]

Print Name: William Bowers

Address: 17 Wild Goose

Signature: _____

Print Name: _____

Address: _____

Signature: [Signature]

Print Name: Alexandra Delien

Address: 26 Wild Goose CT

Signature: _____

Print Name: _____

Address: _____

Signature: [Signature]

Print Name: [Signature]

Address: 26 Wild Goose CT

Signature: _____

Print Name: _____

Address: _____

Signature: [Signature]

Print Name: Nicole Jacques

Address: 26 Wild Goose

Signature: _____

Print Name: _____

Address: _____

Signature: [Signature]

Print Name: Allison Crane

Address: 26 Wild Goose CT

Signature: _____

Print Name: _____

Address: _____

Signature: [Signature]

Print Name: INQUIRY BATHEN

Address: 1 WILD GOOSE CT

Signature: _____

Print Name: _____

Address: _____

**Letter to Newport Banning Ranch Owners/Developers from
Newport Crest Residents – December 2010**

Signature: Hassan Baydoun

Print Name: Hassan Baydoun

Address: 305 Columbia St. NB, CA

Signature: Lauren Wheeler

Print Name: Lauren Wheeler

Address: 19 Odyssey Ct. NB, CA

Signature: _____

Print Name: _____

Address: _____

Signature: _____

Print Name: _____

Address: _____

Signature: _____

Print Name: _____

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Signature: _____

Print Name: _____

Address: _____

**Letter to Newport Banning Ranch Owners/Developers from
Newport Crest Residents - December 2010**

Please sign and return by Sunday, December 19 to:

FAX: 949-646-4348

Email: concernedresidentsofnewportcrest@yahoo.com

USPS: Dorothy Kraus, 10 Wild Goose Court, Newport Beach, CA 92663

Signature: <u><i>Sally L. Peister</i></u>	Signature: _____
Print Name: <u>SALLY L. PEISTER</u>	Print Name: _____
Address: <u>#3 ARIES COURT</u>	Address: _____

Thank you once again!

Newport Crest Committee for Banning Ranch

*Mail address
P.O. Box 242
Newport Beach
CA 92662*


**Letter to Newport Banning Ranch Owners/Developers from
Newport Crest Residents - December 2010**

Please sign and return by Sunday, December 19 to:

FAX: 949-646-4348

Email: concernedresidentsofnewportcrest@yahoo.com

USPS: Dorothy Kraus, 10 Wild Goose Court, Newport Beach, CA 92663

Signature: 
Print Name: Greg Hovineit
Address: 11 ARIES CT

Signature: _____

Print Name: _____

Address: _____

Thank you once again!

Newport Crest Committee for Banning Ranch

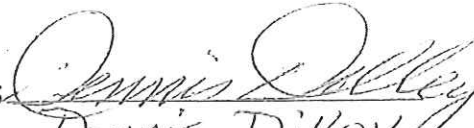
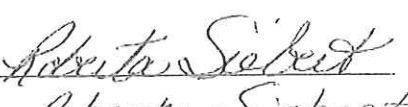
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Please sign and return by Sunday, December 19 to:

FAX: 949-646-4348

Email: concernedresidentsofnewportcrest@yahoo.com

USPS: Dorothy Kraus, 10 Wild Goose Court, Newport Beach, CA 92663

Signature: <u></u>	Signature: <u></u>
Print Name: <u>Dennis Dilley</u>	Print Name: <u>Roberta Siebert</u>
Address: <u>819 Frankfort Huntington</u> <u>Berkeley</u> <u>92648</u>	Address: <u>24 Escapade Ct</u> <u>819 Frankfort Ave.</u> <u>HB Ca. 92648</u>

Thank you once again!

Newport Crest Committee for Banning Ranch

**Letter to Newport Banning Ranch Owners/Developers from
Newport Crest Residents - December 2010**

Please sign and return by Sunday, December 19 to:

FAX: 949-646-4348

Email: concernedresidentsofnewportcrest@yahoo.com

USPS: Dorothy Kraus, 10 Wild Goose Court, Newport Beach, CA 92663

Signature: _____

Print Name: JEAN P. MACDONALD

Address: 15 GOODWILL COURT
NEWPORT BEACH CA

Thank you once again!

Newport Crest Committee for Banning Ranch

Signature: _____

Print Name: _____

Address: _____

**Letter to Newport Banning Ranch Owners/Developers from
Newport Crest Residents - December 2010**

Please sign and return by Sunday, December 19 to:

FAX: 949-646-4348

Email: concernedresidentsofnewportcrest@yahoo.com

Signature: Gloria A Miller

Print Name: GLORIA A MILLER

Address: 33 Encort Court
Newport Beach, Ca. 92663

Signature: _____

Print Name: _____

Address: _____

Thank you once again!

Newport Crest Committee for Banning Ranch

Please sign and return by Sunday, December 19th:

FAX: 949-646-4348

Email: concernedresidentsofnewportcrest@yahoo.com

Signature: _____

Print Name: _____

Address: _____

Signature: _____

Print Name: _____

Address: _____

Thank you once again!

Newport Crest Committee for Banning Ranch

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Newport Crest Residents - December 2010**

Please sign and return by Sunday, December 19 to:

FAX: 949-646-4348

Email: concernedresidentsofnewportcrest@yahoo.com

Signature: Kelly Blair
Print Name: Kelly Blair
Address: 1 Green Court

Signature: _____
Print Name: _____
Address: _____

Thank you once again!


Newport Crest Committee for Banning Ranch

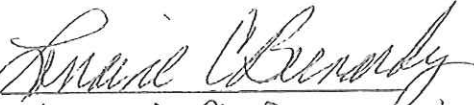
**Letter to Newport Banning Ranch Owners/Developers from
Newport Crest Residents - December 2010**

Please sign and return by Sunday, December 19 to:

FAX: 949-646-4348

Email: concernedresidentsofnewportcrest@yahoo.com

Signature: 
Print Name: LORRAINE C. BERNHARDT
Address: 110 Badovento Ct

Signature: 
Print Name: LORRAINE C. BERNHARDT
Address: 66 Grotel Ct

Thank you once again!

Newport Crest Committee for Banning Ranch

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Newport Crest Residents - December 2010**

Please sign and return by Sunday, December 19 to:

FAX: 949-646-4348

Email: concernedresidentsofnewportcrest@yahoo.com

Signature: Mary Manno

Print Name: MARY MANNO

Address: 129 VIA MENTONE
NEWPORT BEACH, CA

Thank you once again! 92663

Newport Crest Committee for Banning Ranch

Signature: Peter Manno

Print Name: PETER L. MANNO

Address: 129 VIA MENTONE
NEWPORT BEACH, CA.

92663

**Letter to Newport Banning Ranch Owners/Developers from
Newport Crest Residents - December 2010**

Please sign and return by Sunday, December 19 to:

FAX: 949-646-4348

Email: concernedresidentsofnewportcrest@yahoo.com

Signature: Nancy Salomon
Print Name: Nancy Salomon
Address: 102 Columbia St

Signature: _____
Print Name: _____
Address: _____

Thank you once again!

Newport Crest Committee for Banning Ranch

**Letter to Newport Banning Ranch Owners/Developers from
Newport Crest Residents - December 2010**

Please sign and return by Sunday, December 19 to:

FAX: 949-646-4348

Email: concernedresidentsofnewportcrest@yahoo.com

Signature: CS
Print Name: A. J. Rizzo
Address: 14 GRETEL

Signature: _____
Print Name: _____
Address: _____

Thank you once again!

Newport Crest Committee for Banning Ranch

**Letter to Newport Banning Ranch Owners/Developers from
Newport Crest Residents - December 2010**

Please sign and return by Sunday, December 19 to:

FAX: 949-646-4348

Email: concernedresidentsofnewportcrest@yahoo.com

Signature:

Shirley Salapski

Print Name:

Shirley Salapski

Address:

*18111 Beneta Tustin
For 11 Encore*

Thank you once again!

Newport Crest Committee for Banning Ranch

Signature:

George Salapski

Print Name:

George Salapski

Address:

*18111 Beneta Tustin
For 11 Encore*

**Letter to Newport Banning Ranch Owners/Developers from
Newport Crest Residents – December 2010**

Please sign and return by Sunday, December 19 to:

FAX: 949-646-4348

Email: concernedresidentsofnewportcrest@yahoo.com

Signature: Kim Lafond
Print Name: Kim Lafond
Address: 9 Goodwill Court

Signature: _____
Print Name: _____
Address: _____

Thank you once again!

Newport Crest Committee for Banning Ranch

**Letter to Newport Banning Ranch Owners/Developers from
Newport Crest Residents - December 2010**

Please sign and return by Sunday, December 19 to:

FAX: 949-646-4348

Email: concernedresidentsofnewportcrest@yahoo.com

Signature: Janice Peddie
Print Name: Janice Peddie
Address: 19 Robon Court

Signature: Janice Peddie
Print Name: Janice Peddie
Address: #20 Robon Court

Thank you once again!

Newport Crest Committee for Banning Ranch

**Letter to Newport Banning Ranch Owners/Developers from
Newport Crest Residents - December 2010**

Please sign and return by Sunday, December 19 to:

FAX: 949-646-4348

Email: concernedresidentsofnewportcrest@yahoo.com

Signature: *Richard F. Sarno*
Print Name: RICHARD F. SARNO
Address: 2720 Bay Cliff Ct #2
Las Vegas, NV 89117

Signature: *Josephine Sarno*
Print Name: JOSEPHINE SARNO
Address: 2720 Bay Cliff Ct #2 Las Vegas NV
89117

Thank you once again!

Newport Crest Committee for Banning Ranch

**Letter to Newport Banning Ranch Owners/Developers from
Newport Crest Residents - December 2010**

Please sign and return by Sunday, December 19 to:

FAX: 949-646-4348

Email: concernedresidentsofnewportcrest@yahoo.com

Signature: _____

Harriet Koutouzis

Signature: _____

Print Name: _____

HARRIET KOUTOUZIS

Print Name: _____

Address: _____

*Unit 5, 14 ARIES Ct.,
Newport Beach, Ca. 92663*

Address: _____

Thank you once again!

Newport Crest Committee for Banning Ranch

*Home address: 205 Harmon Ave.
Belleair Beach, Fl. 33786*

Newport Crest Residents - December 2010

Please sign and return by Sunday, December 19 to:

FAX: 949-646-4348

Email: concernedresidentsofnewportcrest@yahoo.com


Signature: 

Print Name: Gerry Allen

Owner
Address: #4 Kialoa Ct
Newport Crest

Thank you once again!

Newport Crest Committee for Banning Ranch

Signature: 

Print Name: Kathleen Allen

Address: Owner #4 Kialoa Ct
Newport Crest

**Letter to Newport Banning Ranch Owners/Developers from
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Please sign and return by Sunday, December 19 to:

FAX: 949-646-4348

Email: concernedresidentsofnewportcrest@yahoo.com

Signature: _____




Print Name: LESLEY DOWLING

ROSENTHAL

Address: 26 IMA LOP COURT
NEWPORT BEACH

Signature: _____



Print Name: STANLEY ROSENTHAL

Address: 26 IMA LOP COURT
NEWPORT BEACH

Thank you once again!

Newport Crest Committee for Banning Ranch

**Letter to Newport Banning Ranch Owners/Developers from
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Please sign and return by Sunday, December 19 to:

FAX: 949-646-4348

Email: concernedresidentsofnewportcrest@yahoo.com

Signature: *Jonathan Weiner*

Print Name: Jonathan Weiner

Propriety Address: 12 Kialoa Ct.

Signature: *Diane Silver*

Print Name: Diane Silver

Address: 12 Kialoa Ct.

Thank you once again!

Newport Crest Committee for Banning Ranch


*We currently live in the
Bay Area.*

**Letter to Newport Banning Ranch Owners/Developers from
Newport Crest Residents - December 2010**

Please sign and return by Sunday, December 19 to:

FAX: 949-646-4348

Email: concernedresidentsofnewportcrest@yahoo.com

Signature: 
Print Name: Russell Kojima
Address: 21ma Lou Ct.
Newport Crest

Signature: _____
Print Name: _____
Address: _____

Thank you once again!

Newport Crest Committee for Banning Ranch

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Please sign and return by Sunday, December 19 to:

FAX: 949-646-4348

Email: concernedresidentsofnewportcrest@yahoo.com

Signature: *Kevin Hill*

Print Name: KEVIN HILL

Address: 6 Goodwell Court / owner

Signature: *Kevin Hill*

Print Name: KEVIN HILL

Address: 12 Banning Ct / owner

Thank you once again!

Newport Crest Committee for Banning Ranch

**Letter to Newport Banning Ranch Owners/Developers from
Newport Crest Residents - December 2010**

Please sign and return by Sunday, December 19 to:

FAX: 949-636-4348

Email: concernedresidentsofnewportcrest@yahoo.com

Signature: _____

Print Name: _____

Address: _____

Signature: _____

Print Name: _____

Address: _____

Thank you once again!

Newport Crest Committee for Banning Ranch

**Letter to Newport Banning Ranch Owners/Developers from
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Please sign and return by Sunday, December 19 to:

FAX: 949-646-4348

Email: concernedresidentsofnewportcrest@yahoo.com

Signature: Anil Patel

Print Name: ANIL PATEL

Address: 228 11th St
H.B. CA 92645

Thank you once again!

Newport Crest Committee for Banning Ranch

Signature: Bharti Patel

Print Name: Bharti Patel

Address: 228 11th St, H.B. CA 92645

Property (Rental)

1 Summerwind Ct
Newport Beach CA 92663

**Letter to Newport Banning Ranch Owners/Developers from
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Please sign and return by Sunday, December 19 to:

FAX: 949-646-4348

Email: concernedresidentsofnewportcrest@yahoo.com

Signature: *Jeff Glass*

Print Name: JEFF GLASS

Address: 8 MOJO COURT

Signature: _____

Print Name: _____

Address: _____

Thank you once again!

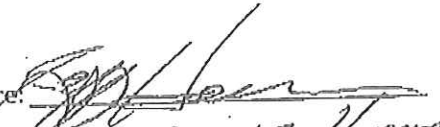
Newport Crest Committee for Banning Ranch

**Letter to Newport Banning Ranch Owners/Developers from
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Please sign and return by Sunday, December 19 to:

FAX: 949-646-4348

Email: concernedresidentsofnewportcrest@yahoo.com

Signature: 
Print Name: HARLEY E. HARMON
Address: #6 TALBONE CT
NPB-92003

Signature: _____
Print Name: _____
Address: _____

Thank you once again!

Newport Crest Committee for Banning Ranch

**Letter to Newport Banning Ranch Owners/Developers from
Newport Crest Residents - December 2010**

Please sign and return by Sunday, December 19 to:

FAX: 949-646-4348

Email: concernedresidentsofnewportcrest@yahoo.com

Signature: <u>Richard C. Pearson</u>	Signature: <u>Jan Pearson</u>
Print Name: <u>RICHARD C. PEARSON</u>	Print Name: <u>Jan Pearson</u>
Address: <u>12 Dretel Court</u>	Address: <u>12 Dretel Court</u>
<u>Newport Beach, CA.</u>	<u>Newport Beach, Ca.</u>

Thank you once again!

Newport Crest Committee for Banning Ranch

To: DOROTHY KRAUS - 949.646.4348

From: STAN ROSENTHAL +

LESLIE DOWSING ROSENTHAL
760.202.4696

Date: DEC 17. 2010

Re: BANNING RANCH

Hi Dorothy:

We are forwarding the Letter
to Newport Banning Ranch
Owners/Developers, duly signed.
We are with you all the
way!

Best of Wcde
(COSTA)

o Stan


Enc.


**Letter to Newport Banning Ranch Owners/Developers from
Newport Crest Residents - December 2010**

Please sign and return by Sunday, December 19 to:

FAX: 949-646-4348

Email: concernedresidentsofnewportcrest@yahoo.com

Signature: 
Print Name: SEAN SALOMON
Address: 102 Columbia Street

Signature: 
Print Name: Jordanne Salomon
Address: 102 Columbia Street

Thank you once again!

Newport Crest Committee for Banning Ranch

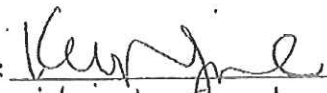
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Please sign and return by Sunday, December 19 to:

FAX: 949-646-4348

Email: concernedresidentsofnewportcrest@yahoo.com

USPS: Dorothy Kraus, 10 Wild Goose Court, Newport Beach, CA 92663

Signature: 
Print Name: Kim Lafond
Address: 9 Goodwill Court

Signature: _____
Print Name: _____
Address: _____

Thank you once again!

Newport Crest Committee for Banning Ranch

**Letter to Newport Banning Ranch Owners/Developers from
Newport Crest Residents - December 2010**

Please sign and return by Sunday, December 19 to:

FAX: 949-646-4348

Email: concernedresidentsofnewportcrest@yahoo.com

Signature: Mary Manno

Print Name: MARY MANNO

Address: 129 VIA MENTONE
NEWPORT BEACH, CA

Thank you once again! 92663

Signature: Peter Manno

Print Name: PETER L. MANNO

Address: 129 VIA MENTONE
NEWPORT BEACH, CA.

92663

Newport Crest Committee for Banning Ranch

Newport Beach Planning Commission Study Session
January 19, 2012

On behalf of my fellow Westside Costa Mesa residents, I want to ask for your support in getting the 19th St bridge off the Master Plan. We along with Huntington Beach eastside residents do not want the increased traffic flow in our quiet communities. We do not want our homes demolished so that autos can save a few minutes coming & going to the beach. Let me remind you that there is a bridge already just 2700' away. Mr. Rosansky was quoted in the paper after the January bridge meeting that we would be sorry 20 yrs from now if the bridge is not built. I agree that we will be sorry 20 yrs from now, we will be sorry if Banning Ranch is not set aside for open space. We know that the bridge will enhance the Banning Ranch development. Why else would talks about building the bridge be revived at same time of Banning Ranching development discussions. Why else would Mike Mohler, Banning Ranch developer, be at the bridge meeting?

You probably think it is silly or futile to think of Banning Ranch as open space for all to enjoy. That is probably what city official thought back in the mid 60's when Frank & Fran Robinson fought to protect the Back Bay from development. Can you imagine today the Back Bay developed with limited use for citizens? Today it is a gem for school children, hikers, bikers & bird watchers. Think of what Banning Ranch could be connected to the Talbert Nature and Fairview Park. An oasis in Orange County.

What about the cost of building a bridge, \$150,000,000? I asked OCTA if this included the cost of eminent domain and 19th st mitigation. They said no, it is just for the bridge. Add another 30-50 Mil for home demolition and street mitigation. By the time the bridge is to be built, the cost would probably be higher.

Traffic projections call for increased traffic and that is one of the factors per the officials for building the bridge. If future traffic is so horrendous, why build Banning Ranch putting even more traffic on overburdened roads? If is house is on fire, do you throw more gas on the fire to save it?

Ron Frankiewicz
Costa Mesa, CA

Planning Commission hearings
From: Terry Welsh [terrymwelsh@hotmail.com]
Sent: Wednesday, February 22, 2012 11:34 PM
To: Michael Toerge; Alford, Patrick
Subject: Planning Commission hearings

Patrick, I spoke with Planning Commission chair Michael Toerge today about the upcoming hearings on Banning Ranch.

One of the items we discussed was the idea of each hearing containing a block of time for the Banning Ranch Conservancy to make a presentation, much in the way that NBR has done during the study sessions. The idea is that a block of time would allow a more coherent organized presentation than that which could be delivered by individuals speaking in three minutes bursts. Both the public and the Planning Commission would greatly benefit by information being delivered in an organized manner.

There could still be time allotted for individual citizens who aren't board members of the Banning Ranch Conservancy to make public comments.

Another option we discussed was allowing people to cede their time to the Banning Ranch Conservancy in order to make an organized presentation. I have seen this method used at other public hearings.

Let me know if you have any suggestions. Michael is also giving this issue some further thought.

I can be reached at 714-719-2148.

Thank you for your consideration,

Terry Welsh
President, Banning Ranch Conservancy

Banning Ranch Study Session Feb 23 2012

From: RODGER hageman [evenkee14@sbcglobal.net]
Sent: Friday, February 24, 2012 4:54 PM
To: Michael Toerge; Bradley Hillgren; Kory Kramer; Jay Myers; Larry Tucker; Fred Ameri; Alford, Patrick
Subject: Banning Ranch Study Session Feb 23, 2012

From: Rodger Hageman (evenkee14@sbcglobal.net)
To: Newport Beach Planning Commission
Date: February 24, 2012
Subject: Planning Commission Meeting, February 23. 2012

Gentlemen of the Board, please accept my apology for my inarticulate presentation at the 23rd February meeting regarding the Banning Ranch plan!!! You were very tolerant not to cut me off. My vocal cords froze up, or didn't accept my opinions.

Here is a quick abbreviation of my intended question: wouldn't the proposed road and highway additions or changes in the west end be highly disproportionate to the volume of traffic created by the development at optimum build out? I used an analogy to Balboa Island which, it is my understanding, has a population of over 2700 people in 2111 living units. This vs. 1375 new homes and a boutique hotel. Balboa's ingress and egress is served by a simple 2-lane access road and bridge. Many tourists also add to the numbers as it is truly a tourist destination. This may be a simplistic comparison of demographics but basic numbers, if correct, hold some truth.

I also was comparing Costa Mesa, Laguna Beach and Newport. Costa Mesa becoming the cultural center of Orange County with theater and music, Laguna the art world's enclave - - economic and population growth not appearing to hold an edge over maintaining its traditions - - it is promoting a full green belt perimeter (Jan. 8, 2012, article in O.C. Register.) Then we, Newport, have a very large edge in harbor, waterfront and business. Must we build to the fences? Must we modify city streets, freeway access and upset the flow of Pacific Coast Highway to gain access to a Balboa Island sized development?

Of course I have many other objections to the entire development and a strong preference for the land to remain in its natural state. But this wasn't the evening for subjective complaints.

I had intended to close with a recommendation that we immediately table this application until the sponsor of the development can return us to \$2 fuel.

Thank you.

Rod hageman

Alford, Patrick

From: Sharon Starbuck [sstarbuck@sbcglobal.net]
Sent: Sunday, March 11, 2012 6:03 PM
To: Alford, Patrick
Subject: Banning Ranch development; pro

I am a homeowner in Newport Terrace who is **in favor** of the community.

Alford, Patrick

Subject: Planning Commision Meeting 3/8/12

From: Gerard Proccacino [<mailto:Gravytrain1@roadrunner.com>]

Sent: Thursday, March 08, 2012 7:38 PM

To: Burns, Marlene

Subject: Planning Commision Meeting 3/8/12

Dear Ms Burns,

I was at tonight's study session but due to time restraints did not speak. I have a couple of questions concerning the proposed Banning development that I hope you can pass on to the members of the planning commission. I thank you in advance.

What precisely are the negative effects on the quality of life for the residents of Newport Beach as a whole, West Newport Beach , The Lido Sands Community and ME with my home of 40 years directly in the path of the proposed major Coast hwy Intersection? Why does Newport Beach need this intrusive mega development? Why haven't I seen the City aggressively trying to preserve this final virgin parcel in Orange County for all to enjoy it's God given Natural beauty?

I pray that you deliberately drill into this proposal to totally see the negative effects this thing will have on our beautiful Newport Beach.

Why would the City even consider to Los Angelize Newport beach?

Please do not Los Angelize Newport Beach. Thank you.

Respectfully,
Gerard Proccacino
Lido Sands
Newport Beach, CA



orange county chapter

USGBC Orange County Chapter

360 East First Street, #401
Tustin, CA 92780

P (714) 832-3616
F (714) 730-6296

www.usgbc-oc.org

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Patti Wells, LEED AP
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Amy Creager, LEED AP
Brion Jeannette Architecture

DIRECTORS

Barbara Eljenholm, LEED AP
RBF – A Baker Company

Robyn Vettraino, LEED AP
verde at Parker Properties

Jennifer Baarley
Emerging Professional

Jeffrey Howell, LEED AP
Fidelity National

Correspondence

Item No. 4a

Newport Banning Ranch

PA2008-114

March 19, 2012

Members of the City Council of Newport Beach
The Office of the City Council
Newport Beach, CA 92663

Dear Council Members,

On behalf of the U.S. Green Building Council Orange County Chapter, I write today to express our organizational support for the Newport Banning Ranch project, which is registered under the LEED for Neighborhood Development program. In addition, we support public access to Banning Ranch, protection of sensitive habitat and maximization of open space.

The Leadership in Energy and Environmental Design (LEED) rating system is a nationally accepted benchmark for the design, construction, and operation of high performance green buildings. LEED for Neighborhood Development is built off LEED's success and is a consensus based approach to land development of whole neighborhoods that unite the principles of smart growth, new urbanism, and green building to provide a common framework for evaluating and rewarding environmentally-superior neighborhood development practices.

LEED-ND encourages developers to embrace a comprehensive approach in the design, planning, and building of a neighborhood which promotes using alternative modes of transportation, improved air and water quality, and the construction of more sustainable communities for people of all income levels. Some highlighted features of building and certifying with LEED-ND include:

- **Decrease automobile dependence** – LEED-ND stresses public and convenient transportation choices such as buses, trains, bicycles, and increased sidewalks for walking. A focus of program certification in "smart location" meaning developing locations which produces shorter automobile trips and reduce traffic congestion. Additionally, a 2009 study found that houses with above-average levels of walkability, a core component of LEED-ND, command a premium of \$4,000 to \$34,000 over houses more spread out.
- **Protect threatened species** - Fragmentation and loss of habitat are major threats to many imperiled species. LEED-ND encourages compact development patterns and the selection of sites that are within or adjacent to existing development to minimize habitat fragmentation and also help preserve areas for recreation.
- **Lower Costs** - Benefits of LEED-ND neighborhoods include reduced infrastructure and operating costs for municipal governments.

The results of building LEED-ND projects are quite clear. Additionally, the process to register and earn LEED-ND certification also has a number of benefits including a whole-site approach to project planning and development, consensus and input from all stakeholders, and implementing industry best practices to help achieve maximum results. The Newport Banning Ranch project has already done due diligence in pursuing LEED-ND certification, registering under the program on 5/6/2010 and hosting a number of preliminary meetings with local officials and project stakeholders. However, to ultimately be certified, the plans for the project need to be reviewed by USGBC for pre-certification review prior to the first shovel hitting the ground.

We hope members of this council work with project developers, residents of Newport Beach, and all interested parties to advance this LEED-ND project. Please feel free to use USGBC California Orange County, and the whole U.S. Green Building Council network, including over 22,133 LEED certified professionals throughout California as a resource. As an organization, we are more than happy to assist in any form possible.

Sincerely,

Lindsey Engels
Executive Director, USGBC-OC

Rank	Acres
1	69
2	96
3	118
Total	283

Additionally, Banning Ranch exhibits distinctive topography that is a physical and visual resource for the community. The property is divided into lowland and highland mesa areas. Bluff faces traverse the property generally in a north-south direction, separating these and forming an important visual backdrop from West Coast Highway. Drainage from upland areas in and adjoining the City of Costa Mesa formed a number of arroyos with riparian habitats. The bluff face geology is highly erodible and has experienced sliding over the years. Figure LU17 illustrates these constraints.

During the visioning process, residents were divided in opinion regarding the future of Banning Ranch. Many residents preferred preserving Banning Ranch as open space at the beginning of the public process. However, many participants in the process later indicated their willingness to support some development of the property if it would generate revenue to help fund preservation of the majority of the property as open space.

Policy Overview

The General Plan prioritizes the acquisition of Banning Ranch as an open space amenity for the community and region. Oil operations would be consolidated, wetlands restored, nature education and interpretative facilities provided, and an active park developed containing playfields and other facilities to serve residents of adjoining neighborhoods.

Should the property not be fully acquired as open space, the Plan provides for the development of a concentrated mixed-use residential village that retains the majority of the property as open space. This would contain a mix of housing types clustered around a "village center" of local-serving commercial uses, small boutique hotel, active park, and possibly a school. Buildings would be located and designed and an interconnected street system provided to enhance pedestrian activity and reduce vehicular trips. Development would be concentrated to preserve the majority of the property as open space, while oil operations would be clustered and wetlands restored. An internal trail system would be developed to link uses within its neighborhoods and districts and provide access to adjoining neighborhoods. While the Plan indicates the maximum intensity of development that would be allowed on the property, this will ultimately be determined through permitting processes that are required to satisfy state and federal environmental regulatory requirements.

Goal:

LU 6.3

Preferably a protected open space amenity, with restored wetlands and habitat areas, as well as active community parklands to serve adjoining neighborhoods.

General Plan Policy Statement on Banning Ranch

Policy Overview

“While the Plan indicates the maximum intensity of development that would be allowed on the property(Banning Ranch), this will ultimately be determined through permitting processes that are required to satisfy state and federal environmental regulatory requirements.”

Legend

-  Sub Area
 Butte
 Tortuga Subhabitat Zone
 Habitat Value Rating**
 Habitat Restoration Area

References

^a East includes TDE West in 1996.

*** Residuals permitting required order effects when additional subjects are required to determine significance of treatment. Probability is 50:50 split buffer.

Spring Wash = 518 acres
Development Constraints = 302 acres
Total Available Acre = 21 A acres



Journal: *Journal of Management Inquiry*
 Volume: 12 Number 4 December 2003
 Pages: 405-420



EIP

**Policies Pertaining to
Both Land Use Options
(Goals 6.3 and 6.4)**

PERMITTED USES

LU 6.5.1 Oil Operations

Relocate and cluster oil operations. *(Imp 3.1, 4.1)*

LU 6.5.2 Active Community Park

Accommodate a community park of 20 to 30 acres that contains active playfields that may be lighted and is of sufficient acreage to serve adjoining neighborhoods and residents of Banning Ranch, if developed. *(Imp 3.1, 4.1)*

LU 6.5.3 Habitat and Wetlands

Restore and enhance wetlands and wildlife habitats, in accordance with the requirements of state and federal agencies. *(Imp 3.1, 4.1, 14.7, 14.11)*

DESIGN AND DEVELOPMENT

LU 6.5.4 Relationship of Development to Environmental Resources

Development should be located and designed to preserve and/or mitigate for the loss of wetlands and drainage course habitat. It shall be located to be contiguous and compatible with existing and planned development along its eastern property line, preserving the connectivity of wildlife corridors, and set back from the bluff faces, along which shall be located a linear park to provide public views of the ocean, wetlands, and surrounding open spaces. Exterior lighting shall be located and designed to minimize light trespass from developed areas onto the bluffs, riparian habitat, arroyos, and lowland habitat areas. *(Imp 3.1, 4.1)*

LU 6.5.5 Public Views of the Property

Development shall be located and designed to prevent residences on the property from dominating public views of the bluff faces from Coast Highway, the ocean, wetlands, and surrounding open spaces. Landscape shall be incorporated to soften views of the site visible from publicly owned areas and public view points. *(Imp 3.1, 4.1)*

STRATEGY

LU 6.5.6 Coordination with State and Federal Agencies

Work with appropriate state and federal agencies to identify wetlands and habitats to be preserved and/or restored and those on which development will be permitted. *(Imp 14.7, 14.11)*

General Plan Land Use Policy Statement on Banning Ranch

Land Use Goals

LU 6.5.3 Habitat and Wetlands

Restore and enhance wetlands and wildlife habitats, in accordance with the requirements of state and federal agencies.

STRATEGY

LU 6.5.6 Coordination with State and Federal Agencies

Work with appropriate state and federal agencies to identify wetlands and habitats to be preserved and/or restored and those on which development will be permitted.

Comment Letter S1b

STATE OF CALIFORNIA - NATURAL RESOURCES AGENCY

EDMUND G. BROWN, JR., Governor

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-1071



November 8, 2011

Patrick J. Alford, Planning Manager
City of Newport Beach, Community Development Department
3300 Newport Boulevard
P.O. Box 1768
Newport Beach, California 92658-8915

RECEIVED BY
COMMUNITY

NOV 09 2011

RE: COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT
SCH# 2009031061
Site: Newport Banning Ranch
Newport Beach, Orange County

DEVELOPMENT
CITY OF NEWPORT

Dear Mr. Alford,

Thank you for the opportunity to review the Draft Environmental Impact Report for the residential and commercial development at Newport Banning Ranch. According to the Draft EIR, the proposed project includes 1,375 residential dwelling units, 75,000 square feet of commercial space, a 75-room resort inn, approximately 51.4 gross acres for active and passive park uses, and 252.3 gross acres for natural resources protection in the form of open space.

The following comments address, in a preliminary manner, the issue of the proposed project's consistency with the Coastal Act. This letter is an overview of the issues we've identified at this time based on the time available for analysis and the information we've been presented and is not an exhaustive analysis. The comments contained herein are preliminary and those of Coastal Commission staff only and should not be construed as representing the opinion of the Coastal Commission itself.

I. Procedure for Commission Review of the Proposed Development

The DEIR states that the applicant intends to request a 'master coastal development permit' from the Coastal Commission for the proposed development. The DEIR suggests that the Commission would be asked to provide a preliminary review and approval of land uses, with details of some portions of the development, and lesser details for other parts of the development. It also suggests the 'Master CDP' would set up a process for delegating review and approval authority for certain details of the project to the City when the City has no authority for ultimate approval of any part of the project. There is no statutory or regulatory authority for the kind of coastal development permit review process described in the DEIR. Rather, the process the DEIR describes is more akin to requesting approval of a Local Coastal Program, not a coastal development permit. Such request would need to come from the City and not the developer.

Given the scope and complexity of the proposed project, Commission staff would recommend that the project be considered in the context of a Local Coastal Program review, submitted by the City. This would allow for consideration of significant threshold issues at the planning level, such as the kind, location and intensity of development that would be appropriate for the site given the priorities established under the Coastal Act and the constraints present on the site (e.g. biological resources, geologic hazards, etc.). Furthermore, we do not endorse the 'master CDP' process described in the DEIR, and believe it would be unworkable. The CDP process is not appropriate for analyzing conceptual projects; rather it is designed for consideration of specific projects with

B. Determination of ESHA

The figures shown in the DEIR only include one year of survey data. In review of previous projects on or near the Newport Banning Ranch property (Cease and Desist Order CCC-11-CD-03, Consent and Restoration Order CCC-11-RO-02, and Coastal Development Permit 5-10-158), the Commission staff has reviewed a continuous survey record of gnatcatcher usage from 1992 to 2009. However, only a single year of data is shown for the usage of sensitive species of the property, and of this year of data, only a single point is shown to indicate usage. A single year of data is not sufficient to draw conclusions regarding the usage of habitat on the subject site by sensitive species, as some sensitive species, such as Burrowing Owls, may be absent one winter and present the next. Furthermore, surveyors do not always detect rare species they are searching for, even when individuals are present. Finally, a point does not indicate the range of habitat that was observed by the surveyor, and does not indicate the entirety of the habitat which should be protected. For these reasons, the EIR should be updated to reflect all known survey data regarding all sensitive species on the site, and the maps should be updated to indicate the extent of usage.

An ESHA designation is based on site specific circumstances, and, except for the portion of the site that is part of the Sunset Ridge Park project that was heard at the Commission's November 2011 hearing, the Commission staff has not yet performed a formal ESHA delineation for the site. However, the site is known to support significant numbers of sensitive species, and there are likely significant areas of ESHA on the site. ESHA determinations are based on site specific circumstances, which the Commission has not had the ability to review in full. However, generally, habitat which supports sensitive species would be considered ESHA. Other examples of potential ESHA include rare community types, such as Coastal Bluff Scrub, and non-native or degraded habitat that supports special status species.

As listed above, Coastal Act Section 30240 requires that development avoid impacts to ESHA. Therefore, it is important that the EIR process incorporate a determination of probable ESHA areas and their required buffers before land use areas and development footprints are established. We suggest that ESHA and wetland delineations and recommended buffers be reviewed by Coastal Commission staff biologists before the EIR is finalized.

C. Compatibility with ESHA policies

In regards to Coastal Act Section 30240, The DEIR states:

The Project is consistent with this section. Section 4.6.4 of this DEIR has identified and mapped the vegetation types and special status species occurrences known to occur within the Project Site. The Project and associated mitigation measures avoid, minimize, and compensate for the placement of development within these areas to prevent a substantial degradation of these areas or significantly disrupt habitat values. The determination of what areas would be regulated as ESHA would be made by the Coastal Commission as part of the CDP process for the Project.

Based on a preliminary analysis by the Commission to date of the provided information, the development proposed in the EIR does not appear to be compatible with Coastal Act Section 30240.

The proposed project includes a four lane arterial from West Coast Highway to access the subject site. Coastal Commission Staff recently analyzed the habitat resources present in the footprint of the proposed road in processing the Coastal Development Permit for Sunset Ridge Park by the

- (3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.
- (4) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.
- (5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.
- (6) Restoration purposes.
- (7) Nature study, aquaculture, or similar resource dependent activities....

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary....

The City's Coastal Land Use Plan states:

4.2.2-3. Require buffer areas around wetlands of a sufficient size to ensure the biological integrity and preservation of the wetland that they are designed to protect. Wetlands shall have a minimum buffer width of 100 feet wherever possible. Smaller wetland buffers may be allowed only where it can be demonstrated that 1) a 100-foot wide buffer is not possible due to site-specific constraints, and 2) the proposed narrower buffer would be amply protective of the biological integrity of the wetland given the site-specific characteristics of the resource and of the type and intensity of disturbance.

23 cont.

In summary, wetlands are protected under the Coastal Act and the City of Newport Beach certified Land Use Plan. The development allowed in wetlands is restricted to certain allowable uses, and development adjacent to wetlands must be sited with appropriate buffers to ensure the continuance of the wetland.

It appears that development is proposed within wetlands. A comparison of exhibits 4.6-3a, 4.6-6a and 4.6-6b shows that development is being proposed within mapped wetlands at drainage course A, B, and C, that development is proposed within approximately 30 feet of a mapped wetland containing endangered fairy shrimp at wetland point 16, development is proposed in areas which likely qualify as wetlands, as described above, and many of the mapped wetlands are located in close vicinity to areas planned for permanent development.

Therefore, the proposed project does not appear to be consistent with Coastal Act Sections 30231 and 30233 because the proposed project would result in the elimination or degradation of wetlands on the subject site. The EIR should further evaluate the impacts of the development on wetland resources. The EIR should also consider alternatives that avoid wetland impacts and result in the establishment of appropriate habitat buffers between development and wetlands.

IX. Archeology

Cultural and Paleontological Resources

Section 30244 of the Coastal Act requires the protection of archaeological and paleontological resources and states in part:

24

Because the Banning Ranch property is a DCA in the City's CLUP, the policies in the City's CLUP are not applicable to the Banning Ranch property. Correspondence from the Coastal Commission during its review of the City's CLUP requested that references to the Banning Ranch property be removed. Because the City does not have a certified LCP, and the City's CLUP does not include the Banning Ranch property, the City acknowledges that any consideration of a Coastal Development Permit for the Project site would require a finding of consistency with the Chapter 3 policies of the Coastal Act. The Draft EIR provides an analysis of the proposed Project with the California Coastal Act as required by the State CEQA Guidelines Section 15125. Please refer to Sections 4.1 through 4.15 of the Draft EIR.

Response 5

The City acknowledges the Coastal Commission's comments regarding Section 30240 of the Coastal Act and the importance of buffers for ESHA as well as the fact that both the Coastal Act and the City's CLUP identify the importance of protecting ESHA and avoidance of impacts to ESHA. Please refer to the Topical Response: ESHA.

As noted in the response to Comment 4, the Banning Ranch property is not included within the City's CLUP nor is an amendment being proposed at this time to include the Banning Ranch property in the City's CLUP. Consequently, while the CLUP may provide guidance it is not binding on the Banning Ranch property. The Draft EIR provides an analysis of the proposed Project with the California Coastal Act as required by the State CEQA Guidelines Section 15125. Please refer to Sections 4.1 through 4.15 of the Draft EIR.

The purpose of the Draft EIR is to analyze a proposed project's impact on the physical environment. It is not, in and of itself, a policy consistency analysis, except to the extent that such inconsistencies reveal environmental impacts that otherwise are not discussed. Section 4.6, Biological Resources, of the Draft EIR analyzes the proposed Project's impact on biological resources, including federal and State listed endangered and threatened species, sensitive plant and animal species, and specific habitats such as wetlands and vernal pools. All impacts to these resources would be mitigated or avoided with the Mitigation Program set forth in Section 4.6 of the Draft EIR, and therefore would be protected as against disruption of habitat values. The Draft EIR acknowledges that the Coastal Commission makes the determination as to whether any or all of these constitute ESHA under the Coastal Act, and application of the policies of the Coastal Act to the existing conditions on the Project site would be undertaken as part of the Coastal Commission's Coastal Development Permit process.

Response 6

The Coastal Commission suggests that the EIR examine historical data on the use of the Project site on sensitive species and be updated to reflect that usage. The Coastal Commission states that ESHA determinations are made on site-specific circumstances. Please refer to the response to Comment 5 and Topical Response: ESHA. Section 4.6, Biological Resources, of the Draft EIR analyzes the Project's impacts on biological resources, including listed species and sensitive habitat. As the Coastal Commission correctly notes, an ESHA designation is based upon site-specific circumstances and is a finding to be made upon application of the policies of the California Coastal Act. The City anticipates that as part of the Coastal Commission's review of the proposed Project, it would make a determination of the presence/absence of ESHA on the Project site. That said, as noted above, Section 4.6, Biological Resources, of the Draft EIR analyzes the proposed Project's impact on biological resources, including federal and State listed endangered and threatened species, sensitive plant and animal species, and specific habitats such as wetlands and vernal pools. All impacts to these resources would be mitigated or avoided with the Mitigation Program set forth in

Section 4.6 of the Draft EIR, and therefore would be protected against significant disruption of habitat values, as required by Public Resources Code Section 30240. With respect to the suggestion that the EIR should evaluate historic data to determine whether the Project would cause impacts on the environment, this suggestion is not consistent with CEQA.

The State CEQA Guidelines Section 15125(a) states, "An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published". The Notice of Preparation was published on March 18, 2009. The Notice of Preparation was published on March 18, 2009. Using data that is over 20 years old would not be relying on the most current and accurate information required by CEQA. The most current information serves as the baseline conditions by which the lead agency determines whether an impact is significant. CEQA also states that the description of the environmental setting shall be no longer than is necessary to form an understanding of the significant effects of the proposed project and its alternatives. If historical data is not substantially different than the recent data available for conditions on site, it is not necessary to reference old data sources whether this older data provides no new/valuable information that would have a effect on the Project findings.

There are reasons where the incorporation of species data from past data would not be needed or appropriate for the proposed Project:

- Environmental site conditions have changed over that past 20 years which could result in a slightly different flora and fauna component of the Project site. This data would therefore not be current.
- Nomenclature has changed for many plant and wildlife species in the area and there would be confusion as to which species previous reports may have been referenced.
- Many of the previous survey reports do not have species compendia. It is unclear whether the survey compendia data is accessible.

Response 7

The Coastal Commission letter questions whether the proposed Project can be found consistent with Public Resources Code Section 30240 because of recommended findings in a Staff Report prepared for the Coastal Commission with respect to the separate Sunset Ridge Park project. The Coastal Commission suggests that the EIR evaluate alternative intensities of development and alternative access to the site that is not dependent on access from West Coast Highway.

The City is aware of the Coastal Commission's recommendations that were prepared for the Sunset Ridge Park application including the recommended finding that the proposed arterial road would be inconsistent with the Coastal Act. However, the Coastal Commission has not yet acted on the City's CDP application for Sunset Ridge Park, and no findings or determinations have been made by the Coastal Commission as to the Sunset Ridge Park, including the access road that traverses the Newport Banning Ranch property. In addition, and more importantly, the Coastal Commission's suggestion included an acknowledgment that it would approve an access road from West Coast Highway under some circumstances.

The proposed Project provides access points from 15th Street, 16th Street, 17th Street, and 19th Street in addition to entry from West Coast Highway. The Newport Banning Ranch Draft EIR includes a Traffic Impact Analysis for the proposed Project and considers alternative intensities of development on the site which would reduce the amount of traffic on Bluff Road and North Bluff Road. Please refer to Section 7.0, Alternatives to the Proposed Project, of the Draft EIR.

with the approved Model WQMP) would be prepared as part of the Coastal Development Permit application package submitted to the California Coastal Commission.

Response 21

The comment is noted. The Preliminary WQMP (see Appendix A to this Responses to Comments document) prepared for the proposed Project includes the all of the site design and source control (structural and non-structural) BMPs anticipated for the Project based on the level of detail provided and available in the Draft EIR. The Final WQMP prepared in conjunction with the Coastal Development Permit application package to confirm which of these specific site design and source control BMPs would be used in the final plan.

Response 22

As discussed in the Draft EIR, the delineation included identification of wetlands and riparian habitat subject to regulation under the California Coastal Act by the Coastal Commission using the methodology that relies on only one of three characteristics (i.e., a predominance of wetland vegetation; or a predominance of hydric soils; or wetland hydrology). As the Coastal Commission has indicated in its comment letter, the "pools **may** also qualify" (emphasis added) as defined wetlands under the Coastal Act because of the presence of San Diego fairy shrimp. Of the seven on-site pools that support San Diego fairy shrimp, two were identified as Coastal wetlands in the Draft EIR. The remaining five pools that support San Diego fairy shrimp on site are not vernal pools. They are artificial pools created by excavation and berming in grasslands to protect oilfield access roads, oil sumps with contaminated soil, and low lying scrapes overlying existing oil pipelines. The City does not consider these areas to be Coastal Act-defined wetlands due to the lack of (1) a predominance of wetland vegetation, (2) predominance of hydric soils, or (3) wetland hydrology.

Response 23

The comment sets forth provisions from the Coastal Act and the City's Coastal Land Use Plan (CLUP) regarding policies pertaining to wetlands resources. The City acknowledges the protection afforded wetlands under the Coastal Act and its CLUP. As noted in the Topical Response: Vernal Pools, a wetlands delineation of the Project site was performed using the Coastal Commission's definition of wetlands. The Applicant has sited development uses in recognition of its proximity to Coastal Act wetlands. With respect to the development proposed within mapped wetlands at the drainage courses, please refer to the response to Comment 17. This response addresses the water quality features that are proposed in this area and which, in order to maximize their effectiveness and the goal of improving coastal water quality, require the construction of these basins in the areas proposed. With respect to the other areas identified in the comment, wetland areas are buffered from adjacent development to protect against the degradation of the wetlands on the Project site. It should be noted that under current conditions, these wetlands exist in an operating oilfield and in some instances have been artificially created as a result of oil operations. Implementation of the proposed Project is intended to improve upon these existing conditions and provide habitat benefits in comparison to the current condition or the No Project Alternative.

Response 24

The Coastal Commission's question regarding whether all permits were obtained concerns a matter of regulatory process under the jurisdiction of the Coastal Commission and does not present a comment regarding the adequacy of the environmental impact analysis in the Draft

Alford, Patrick

From: RODGER hageman [evenkeel4@sbcglobal.net]
Sent: Thursday, March 22, 2012 3:08 PM
To: Michael Toerge; Alford, Patrick
Subject: public hearing March 22, 6:30 p.m.

March 22, 2012

Michael Toerge, Chairman

Patrick Alford

**Newport Beach Planning Commission
Department**

Manager, Planning

Strataland@earthlink.net
Palford@NewportBeachCa.gov

Re: Public Hearing / Newport Banning Ranch/March 22, 2012 / 6:30 PM

Gentlemen,

This letter is written based upon the Vision statement of the Newport Beach General Plan which states “we have a conservative growth strategy that emphasizes resident's quality of life”

The writer, a so called NIMBY, (Not In My Backyard) herewith gives notice to the City of Newport Beach that he opposes the Planned Community known as “Newport Banning Ranch Development” on the NW and south border of Newport Beach. Application No:PA2008-114. Guidelines of objections follow and will be more explicitly described in the future:

1. The Development generally identified as “Banning Ranch” was not included in the ballot measure of 2006 which modified the General Plan of the City of Newport Beach. Therefore, its application must adhere to and fit within the statistical changes prominently mentioned in “V” of the General Election Official Ballot of 2006

2. Undated Notice of Public Hearing regarding this matter is postmarked March 13, 2012 by USPS and was received March 14. We believe that public notice allowing only 9 days of response time violates City of Newport Beach's established legal requirements of 10 days and fails the test of fair and equitable public relations.
3. A required final Environmental Impact Report has not been presented to the public to allow proper study by those who may be affected by some adversity created by implementation of the development.
4. The notice of the public hearing suggests the Planning Commission will be making its recommendations to the City Council immediately. Otherwise why the rush for a public hearing? Can the Commission make recommendations in the absence of a final EIR?
5. The City Council approved a "Statement of **Overriding Considerations**" which **notes that there are specific economic, social and other public benefits that outweigh the significant unavoidable impacts associated with the General Plan.** Such impacts will render living standards of NEWPORT CREST and property values of the Crest and adjacent homes and other occupants such as business and schools to be devalued!
- 6) The multi-year earth moving and construction's negative impact will drive affected parties out of their neighborhoods. Living in dirt and dust, bright night illumination, noise and other noxious exposures will make home life, recreation, sleeping, distress to the bedridden and other physical impacts unbearable. Oh yes, sales will be impossible. It is tantamount to a "taking" by the power of eminent domain.
- 7) The DEIR and EIR are a product requested by the City of Newport Beach, its customer. It seems that in the interest of the City's fairness doctrine, the town's population be granted an equal EIR study by a firm of its choosing and a SSIR (Social and Societal Impact Report.).
8. Is the taking or annexation of another party's 360 acres to join the very small part that Newport has, 40 or so acres, look like a modest "conservative growth strategy"?

Especially when it is at the cost of a major disruption to at least 460 homeowners;
maybe 1500 residents

9. Certain fee simple rights and duties attach to California property whether a home or business.

r.hageman



Correspondence
Item No. 4d
Newport Banning Ranch
PA2008-114

Via Email Transmission thru
Patrick Alford, Planning Manager
City of Newport Beach

Officers:

Terry Welch, M.D.
President
James Mansfield
Vice-President
Deborah Koken
Secretary
Jennifer Frutig, PhD.
Treasurer

Steve Ray
Executive Director

Board Members:

Patricia Barnes
Suzanne Forster

Jan Vandersloot, M.D.
In Memoriam

March 22, 2012

Michael Teorge, Chair
Newport Beach Planning Commission
City of Newport Beach, CA

Dear Chair Teorge,

On behalf of the Banning Ranch Conservancy and the thousands of members of our group and affiliated groups, we request a fair and equitable process for the Newport Beach Planning Commission hearings that begin today for the proposed Newport Banning Ranch development project.

As was evident from the Planning Commission study sessions, public participants were not satisfied that ample time was provided, nor was there encouragement for any significant participation by the public. We were assured by you that the hearing process would provide that opportunity and that we should more fully participate in the hearings. Further, as a public agency, the City of Newport Beach and its public bodies are required to encourage the fullest and widest public participation in the public hearing process. To that end, we request that the following process be established to assure responsible public participation.

Pro forma, following the announcement of the item at the hearing, staff and consultants would provide a review of the project and the proposed EIR for Commissioners and the public, followed by a Q & A session between Commissioners and those presenters. The public hearing would then be opened with a probable opportunity for the applicant to present any comments. Members of the public would then be invited to comment within the normal three-minute timeframe for each. All of this is common and appropriate.

Now for the deviation from the *pro forma*. We request that the recognized, organized public group, the Banning Ranch Conservancy, be permitted to make a comprehensive, coordinated presentation on behalf of all our members. Instead of having potentially hundreds of public comment speakers, one organized group will speak on behalf of all our members. This will be a much more effective and efficient manner in which to conduct the hearing. It will prove beneficial to the Commission, staff and the public. In return, we will reduce the number of public attendees to accommodate and not overwhelm the Commission, the facilities and the process.

For our presentation, we request a time grant of four (4) hours. Recognizing that the EIR is over 7300 pages, that there were many comments and responses totaling over 1000 pages and that there are many significant issues to be addressed, we feel this is an entirely reasonable request for time. (In three-minute time periods, this would total only eighty speakers, much less than the potential number of speaker/members of the Banning Ranch Conservancy.)

One note, this request for time and our commitment to adhere to its inherent restrictions is applicable only to the Banning Ranch Conservancy and our members. We dare not suggest to represent members of the public who may differ with our opinions or are unfamiliar with or unknown to the Conservancy. Therefore, we recommend that any members of the public in those or similar circumstances be afforded the first opportunity to comment at the hearing.

This requested process is reasonable, timely, efficient and not without precedent. As a former planning commission chair, I can certainly understand any reluctance, but I am experienced in the use of the above-requested process from both sides of the dais and I can assure you of its effectiveness and do-ability.

The Banning Ranch Conservancy and our members appreciate the opportunity to fully participate in this very important public hearing for the proposed Newport Banning Ranch EIR.

Please contact the undersigned at 310/961-7610 for further clarification and/or to discuss arrangements. Thank you.

Sincerely,

Steve Ray /s/

Steve Ray
Executive Director
Banning Ranch Conservancy

cc: Patrick Alford, Planning Manager, City of Newport Beach
Dr. Terry Welsh, President, Banning Ranch Conservancy
Banning Ranch Conservancy Board Members
File Copy

P. O. Box 16071
Newport Beach,
CA 92659-6071

(310) 961-7610

Burns, Marlene

From: Alford, Patrick
Sent: Thursday, March 22, 2012 4:06 PM
To: Burns, Marlene
Subject: FW: ballot 2006 Banning

Newport Banning Ranch
PA2008-114

Please distribute

From: RODGER hageman [<mailto:evenkeel4@sbcglobal.net>]
Sent: Thursday, March 22, 2012 4:04 PM
To: Michael Toerge; Alford, Patrick
Subject: ballot 2006 Banning

March 22, 2012

Michael Toerge, Chairman, Planning Commission Patrick Alford, Manager, Planning Dept.

Strataland@earthlink.net Palford@NewportBeachCa.gov

Gentlemen,

Notice is hereby given that the continued reference to the Nov. 7, 2006 general election as the authorization for the development of NEWPORT BANNING RANCH, then, it appears to be inaccurate.

The Official Ballot, a one page document, makes no reference to the so-called BANNING RANCH. Neither does its page two, a formal "Impartial Analysis by the City Attorney, Measure V," make any reference to BANNING RANCH.

If the authorization is contemplated by reference to esoteric documents such as Land Use Map, Land Use Tables, Land Use Element, "comprehensive update of the General Plan", etc, it also fails to sufficiently notify a ballot reader of the BANNING matter and therefore cannot be authorized by the Nov. 2006 election ballot. It will have to fit the new criteria and stand on its own as any other new development would. Major changes in the land use element surely is entitled to broad public discussion and specific agreement by the public at large.

If the Banning Development were to represent a traffic increase of say, 10,000 to 20,000 daily trips and the Land Use Element states there is to be a reduction in trips by 28,920,

then? If allowable dwelling units be only increased by 1166 units who has to take their house and move to another community to allow for the increase of 1375?

Thank you.

r hageman

Jan Goerrissen, Ph.D.
883 Arbor St.
Costa Mesa, CA 92627
jgoerrissen@sbcglobal.net

March 22, 2012

Newport Beach Planning Commission
City of Newport Beach
3300 Newport Boulevard
Newport Beach, CA 92663

Dear Council Members and Planning Commissioners of the City of Newport Beach,

I am writing to express my opposition to the proposed development of the Newport Banning Ranch community. I see a number of reasons to oppose the development, including: 1) the loss of additional critical coastal habitat in southern California, 2) the loss of the opportunity to fully maximize the acreage for open space as a recreational attraction for residents and tourists, 3) the inevitable destruction of critical habitat for several animal species with conservation status, 4) lack of access due to the California Coastal Commission's blocking of the access road from PCH and removal of the 19th street bridge from the county master plan, and 5) subjecting Costa Mesa residents to increased traffic, noise, and air pollution.

Due to the now limited extent of public coastal open space and habitat in Orange County and southern California in general, the importance of protecting this area from development cannot be overstated. Of particular importance, the area for proposed development has increased habitat value due to its connectivity with the Talbert Preserve and the Santa Ana River. More open space is needed not only for California flora and fauna, but for long term quality of life for residents in the form of recreation and living in an aesthetically pleasing area. This is a lot to trade off for shorter term gains in potential profits.

I would also like to take this opportunity to report hearing the endangered Clapper Rail in January and then I confirmed a sighting in February 2012 on the property from the Santa Ana River trail. I have a doctorate in Ecology from the University of California, Davis with an emphasis in avian ecology, and therefore take such sightings very seriously.

Thank you for your time in consideration of my opinions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jan Goerrissen", with a stylized flourish at the end.

Jan Goerrissen, Ph.D.

DAILY PILOT

Thursday, March 22, 2012
2:49 p.m. PDT

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OCTA removes 19th Street Bridge from plan

Move ends years of studies, controversy about the potential bridge over the Santa Ana River that would connect Costa Mesa and Huntington Beach.

  Comments 3 Share 44

By Mike Reicher
March 12, 2012 | 7:12 p.m.

ORANGE — The Orange County Transportation Authority Board of Directors voted Monday to strike the proposed 19th Street Bridge from the county's master plan.

The move effectively ends decades of studies and controversy about the potential bridge that would have linked Costa Mesa and Huntington Beach over the Santa Ana River.

Environmentalists and 19th Street residents pleaded Monday to eliminate the bridge, as Huntington Beach Mayor and OCTA Director Don Hansen ushered through the unusual vote to change the county's long-standing master plan.

TOPICS

- Highway Transportation
- Board of Directors
- Janet Nguyen

Newport Beach leaders were the lone holdouts among the three most affected cities; Costa Mesa and Huntington Beach opposed the bridge. Under the county's typical procedures, all three would have to agree to abandon the bridge idea.

But OCTA directors agreed that the bridge was unlikely to ever be built because of its forecasted \$150-million cost, the difficulties in obtaining permits from state and federal regulators, and intense opposition from nearby residents.

The vote was unanimous, except for OCTA Director and County Supervisor Janet Nguyen, who abstained.

"We're feeling very relieved," said Sandie Frankiewicz, who owns two homes on 19th Street, one of which would have likely been demolished to widen the street for the bridge.

Officials from Huntington and Newport said Monday that they would discuss ways to improve the existing roadways to accommodate the anticipated population growth.

"The city of Huntington Beach is very much aware that the elimination of this bridge has consequences," Hansen said.

More traffic on Coast Highway was one of the reasons Newport City Councilman Steve Rosansky revived talks about the bridge last year. Since the early 1990s, residents and officials in Costa Mesa and Huntington have worked to scrap the bridge, but Newport kept protesting, causing the process to stall.

Rosansky and Newport Deputy Public Works Director Dave Webb spoke at the meeting in an attempt to keep the bridge talks alive and to oblige the other cities to make traffic fixes. They hoped to

replicate a process that OCTA undertook up the river with the Gisler-Garfield avenues bridge, another proposed Costa Mesa-Huntington connector that faced a similar predicament.

After they couldn't agree to build or remove that bridge, Huntington, Costa Mesa and Fountain Valley officials decided about five years ago to improve existing streets near Gisler, instead of building the bridge.

But the span remains on the county master plan, in case the other measures aren't successful.

Without that type of agreement, Webb said he was skeptical that other cities would work to alleviate traffic.

"What are the assurances that any mitigations are going to be done?" Webb asked after the vote.

Even though the Gisler-Garfield improvements appeared to be helping, County Supervisor and OCTA Director John Moorlach also called for that bridge's removal from the master plan Monday. He said that eliminating both should be accomplished in "one fell swoop."

That request appeared to take OCTA staff members and directors by surprise, and Moorlach asked for the issue to be brought before the board at a future meeting.

One significant reason the county maintains a master plan of highways is to assist cities and developers in planning for future growth. Since the plan was created in the 1950s, local agencies have used the proposed 19th Street Bridge in their traffic forecasting, and have required developers to make road improvements accordingly.

Developers will now have to adjust.

Without the bridge, Newport Banning Ranch would generate congestion at more intersections than with the bridge, according to its environmental impact report. The proposed large-scale residential, resort and commercial development near the border of Costa Mesa and Newport would trigger failing grades at nine additional intersections, including seven intersections on West Coast Highway.

mike.reicher@latimes.com

Twitter: @mreicher



Comments 3

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Code Enforcement tackling South Bristol Street, Balboa Village



Fair Board votes to stop elephant rides

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fattyboup at 7:42 PM March 12, 2012

Stop the massive development project at Banning Ranch (over twice as large and nearly six times as dense as anything ever built along the OC coast in recent memory).

Save Banning Ranch as open space for future generations!

Join the Banning Ranch Conservancy www.banningranchconservancy.org 714-719-2148

KevinN22 at 1:20 PM March 12, 2012

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The Brown Study

The expression "brown study" is a fourteenth century British term that started out meaning a dark melancholy mood, but later came to mean a state of thinking deeply about something.


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Friday, December 2, 2011

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About Me



Tim Brown

I recently completed two terms on the Parks, Beaches and Recreation Commission

for the city of Newport Beach, CA. In addition, I currently serve as the President of the Civic Affairs Council for the Newport Beach Chamber of Commerce. I am also, the Immediate Past President of the Newport Beach Sunrise Rotary Club. I hold the rank of Full Professor at Riverside City College where I teach a course called Critical Reading as Critical Thinking. In addition, I hold a Faculty Seat on the Accrediting Commission for Community and Junior Colleges. I am the Principal for Tim Brown and Associates, Educational Consultants. I am the author of The Prentice Hall Textbook Reader and currently writing the Content Area Reader's Handbook due for publication in January of 2012. I coached college baseball for 13 years and remain an avid follower of college athletics particularly, at my alma mater, Arizona State University. I have traveled extensively throughout the world and have set foot on every continent except for Antarctica. One of my many hobbies is playing supernumary roles in opera. Some productions in which I have had roles include, Carmen, Tosca, and Don Giovanni.

[View my complete profile](#)

"Open Space" and the Banning Ranch

Yesterday at the Newport Beach Chamber of Commerce Governmental Affairs Committee meeting, our guests were George Basye of Aera Energy and Rewdy Holstein of Brook Street to provide our committee with an update of the Banning Ranch Development Plan. The appearance was timely in that the "public comment" period for the Environmental Impact Report on the plan has closed and the report should come before the Newport Beach Planning Commission in January and then on to the City Council.

As most citizens of Newport Beach know, the General Plan Update approved in 2006 provided for two uses of the property. One was that the property remains completely 100% open space, or the city shall consider a development proposal for 70% of the property to remain open space and 30% for development and amenities. In order for the project to remain 100% open space, it would have to be purchased by a group committed to that effort such as the Banning Ranch Conservancy. The City of Newport Beach has no plans to purchase the 400 acre property.

The open space alternative is the impetus for this post. What exactly is "open space?" According to the Institute of Natural Resources at Oregon State University open space is, "an area of land that is valued for natural processes and wildlife, for agricultural and sylvan production, for active and passive recreation, and providing other public benefits." This definition works for me: without knowing anything else, I would support the Banning Ranch property to be maintained as 100% open space. But, you see, I do know something else. I have been on the property. I have seen the condition of this property as it stands today with my own eyes.

As we all know, there is nothing natural about oil production. There have been over 400 oil wells drilled on this property since 1943. To look at the ranch from an aerial photograph you see a mosaic of dirt roads carved in to the terrain for access to these wells with oil rig debris strewn along the shoulders. The water resources have been polluted with chemicals and other toxins making it uninhabitable for most forms of wildlife. Much of the native species, such as the coastal sages, have been driven out by invasive species much more tolerant to the harsh conditions which exist there today. The property is too dangerous to be enjoyed by any member the public for passive or active recreational use. In short, the Banning Ranch property is not open space now.

To become open space, the property will require extensive mitigation measures with an estimated cost of 30 million dollars or more. That then becomes the most important question in the whole issue. Who will pay for that clean-up? Is it feasible, in

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12/2/2011

Yesterday at the Newport Beach Chamber of Commerce Governmental Affairs Committee meeting, our guests were George Basye of Aera Energy...

So far, my job has not gone away

11/3/2011

The fall of each year is a busy time for me because I am an avid supporter of Arizona State...

Seven Days in August

9/3/2011

"Tim! Tim!" I awake wondering who is yelling my name from outside my window. Finally, as I become more coherent...

HEADLINES BY
PETER UHLMANN

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"Open Space" and the Banning Ranch

► November (1)

the near term, for a non-profit group to raise sufficient funds to purchase the property and then clean it up in our lifetimes? I don't have a crystal ball, but I suspect it would be unlikely. Because I like open space, I would really want to see something done soon so that I might be able to enjoy more open space in Newport Beach while I am still here.

In the current development plan, 25% of the property just under 100 acres would include single family homes, some commercial space and a small resort hotel. The remaining 300 plus acres would be cleaned up, natural resources and habitat restored and maintained as true open space in perpetuity. If this is not a wins-win for those of us who enjoy and appreciate open space, then I don't what is. In the coming weeks and months, we will all be hearing and reading more about this issue. Please don't fall for the emotional appeal of "Keep the Banning Ranch as open space." If we keep it the way it is now, it is the antithesis of open space because it will remain a public hazard and fenced off to all of us who want to see more open space in Newport Beach.

Posted by Tim Brown at 3:11 PM

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1 comments:

 **Dianne Russell** said...

From the Newport Beach perspective it is great. More housing and hotel tax revenues. From the point of view of a Costa Mesa westside resident it is more traffic on our streets and greater potential for the 19th Street bridge to be built. Not a win for us by any stretch of the imagination.

December 2, 2011 3:58 PM

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To: Michael Toerge, Chairman, Planning Commission
From: Olwen Hageman, 7 Goodwill Court, N.B.92663

evenkeel4@sbcglobal.net 949 642-1998

Under "Existing Conditions" the DEIR states that the SoCAB has the worst air quality in the U.S.
4.10.4, Climate and Meteorology" page 4.10.9

Here are photographs of the air quality in my neck of the woods.

- 1) Pollution over land. Pollution over the land, another view.
- 2) Pollution over ocean/obscuring the Palos Verdes Peninsula.

The DEIR refers to some impacts from the development as "significant but unavoidable". Given the poor quality of air to begin with, why cannot remediation and construction be limited to the point where impacts would not be significant?

We already have pollution from Newport Blvd, Superior, PCH Placentia and, if it were approved, Bluff Road. Children at Carden Hall School and residents from rehab facilities walking on Superior would be subject to this additional pollution. And how is Hoag Hospital affected by this same polluted air.

The City's Vision for the General Plan states "we have a conservative growth strategy that emphasizes residents' quality of life". To permit any condition to be significant and unavoidable would not emphasize quality of life for its West Newport Beach residents. Quite the opposite. Even if it is within the law, is it morally acceptable to lower the quality of life for existing residents, some having resided for 30+ years? Plus, 1375 homes, a hotel and commercial space on such a small area of land is not considered **conservative**.

When you drive PCH to Laguna, notice the distance between roads such as Dover, Jamboree, McArthur, etc. Drive to H.B. And notice the distance between Superior, Brookhurst, Magnolia, etc. Then consider the very short distance between Newport Blvd. and Superior at Hospital Road, add Placentia, PCH and possibly Bluff Road. The close proximity of all these roads already creates an umbrella of pollution over West Newport

With all the emphasis on preventive medicine it seems to me that the first thing we need to do is breathe cleaner air. SoCoast Air Quality Management District has a program called The Right to Breathe and they state that "more than shelter, we need clean air. Particulates inhaled by pregnant women go through the blood stream to the fetus and can cause brain damage".

Almost part of the BRD due to its physical location right on the border, is construction of a 3-story community college that is near completion at 15th Street. Was a traffic study done on the number of anticipated car rides for the college and have they been added to the 57,000 car rides anticipated for the Banning Ranch Development?

Under Project Design Features of the DEIR, PDF 4.11.3, states: "The Master Development Plan and the NB Planned Community Development Plan require the Project to be coordinated with O.C. Transportation Authority (OCTA) to allow for a transit routing through the community..." If Bluff Road is never approved, what route will the buses take?

John Wayne's son gave an interview and told how their life "was basically small-town beach life. Newport Beach was a fishing town. no big fences, no checkpoint in the driveway. John shopped at White Front and Sears. At that time, it was much more low-key." Many are nostalgic for that kind of living and those days are gone, but great care must be taken with regard to how we grow so that beautiful Newport Beach can retain some vestige of John Wayne's city of beauty and charm. The community college has already obscured most of the beautiful views of snow-capped mountains. Will there be no beauty left, only buildings and roads.

In closing, at the end of the last study session a gentleman asked what has the City done to raise money for the purchase of this land? I don't recall seeing any surveys asking all Newport Beach residents, CDM and everyone, if they would be willing to contribute toward the purchase. Did I miss it? Although the development is not in CDM's back yard, the pollution from this area will eventually end up in their back yard. If real efforts were made, perhaps the purchase of this land would be possible.

Please give every consideration to concerns of the people living in this area. They, and not the people who will occasionally visit the proposed parks for short periods of time are here 24/7. Land can be remediated but the health of children, the elderly and people who are sensitive, once damaged, cannot always be remediated. Thank you.

Olwen Hageman
Respectfully,

*enc: Photos of Banning Ranch
"pollution"*







Planning Commission
Public Hearing
March 22, 2012

Newport Banning Ranch

Land Use and Related Planning Programs

Consistency with the Coastal Act

- Addressed in Section 4.1
 - Public access
 - Public facilities
 - Lower-cost visitor/recreation facilities
 - Priority uses
 - Location of development

Biological Resources

Gnatcatcher Habitat

- Critical habitat ≠ occupied
- Analyzed in the EIR
 - Gnatcatchers observed
 - 23 acres impacted
 - Impact reduced to less than significant
- FESA protections

Biological Resources

ESHA

- Defined by the Coastal Act
- Case-by-case determination by CCC
- Only two identified ESHA areas
- Section 4.6 address biological resources
- EIR will be used by CCC

Biological Resources

Vernal Pools/San Diego Fairy Shrimp

- Not all areas that pond water are vernal pools
- Reviewed 54 features
- Aerial surveys, not ground-based
- None were vernal pools or wetlands
- Project avoids VP₁ and VP₂

Biological Resources

Mowing and Fuel Modification

- Oil Field mowing
 - On-going maintenance
 - Required by DOGGAR
 - CCC exemption
 - Include environmental protections
- Fuel modification

Hazards and Hazardous Materials

Oil Field-related Hazards

- X

Transportation and Circulation

Bluff Road Improvement/Alignment

- Primary Road (4 lanes, divided)
- Several design factors
 - Earthwork
 - Road geometrics/design speeds
 - Connection to Coast Hwy
 - Impacts to habitat and topography

Transportation and Circulation

CCC Action on Coast Hwy Connection

- Sunset Ridge Park access
- CCC has not acted on the City's CDP
- No CCC findings/actions

Transportation and Circulation

OCTA Action on 19th Bridge

- X

Air Quality

Health Risks to Residents/Park Users

- 75% of emissions from vehicles
- Most emissions occur off-site
- Little exposure to person on-site, nearby

Air Quality

Tier 4 Construction Equipment

- Short-term regional NO_x impact

Air Quality

Remediation First

- X

x



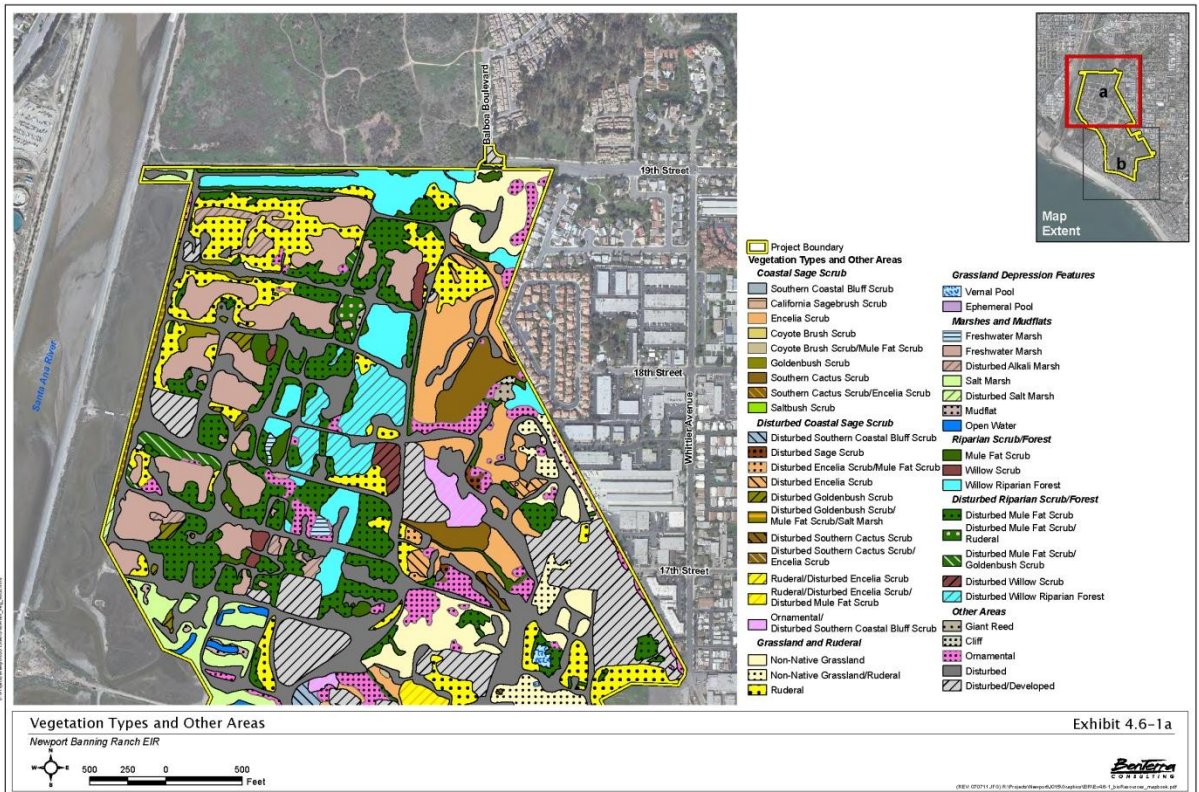
Planning Commission
Public Hearing
March 22, 2012

Newport Banning Ranch

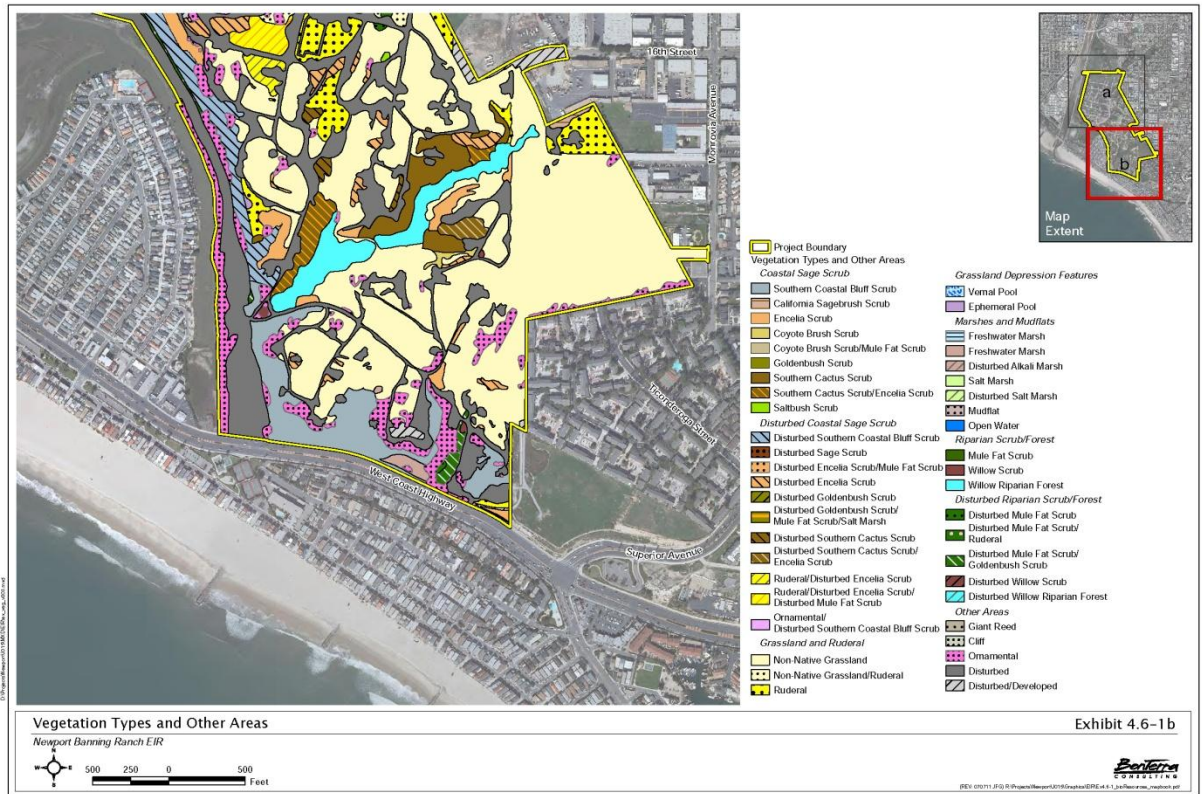
Surrounding Uses



Vegetation Types 1



Vegetation Types 2



[illegible]

Special Status Species Locations
Newport Banning Ranch EIR

Map Extent

Legend

- Project Boundary
- 2010 Surveys
 - Burrowing Owl
- 2009 Surveys
 - Coastal California Gnatcatcher
 - Coastal Cactus Wren
 - Least Bell's Vireo
 - Burrowing Owl
 - San Diego Fairy Shrimp
- Southern Tarplant
 - Tarplant Location (Area too small to be accurately represented by polygon)
 - Tarplant Population

Scale

0 200 400 Feet

Exhibit 4.6-2b

Bentley

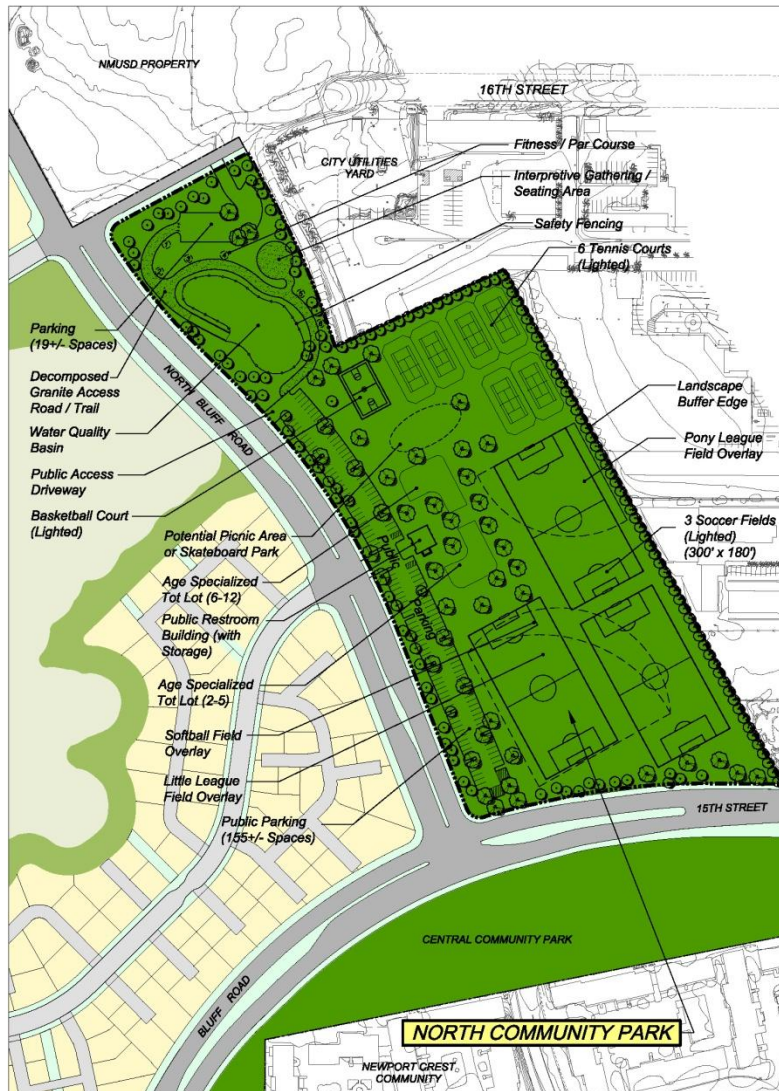
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Parklands

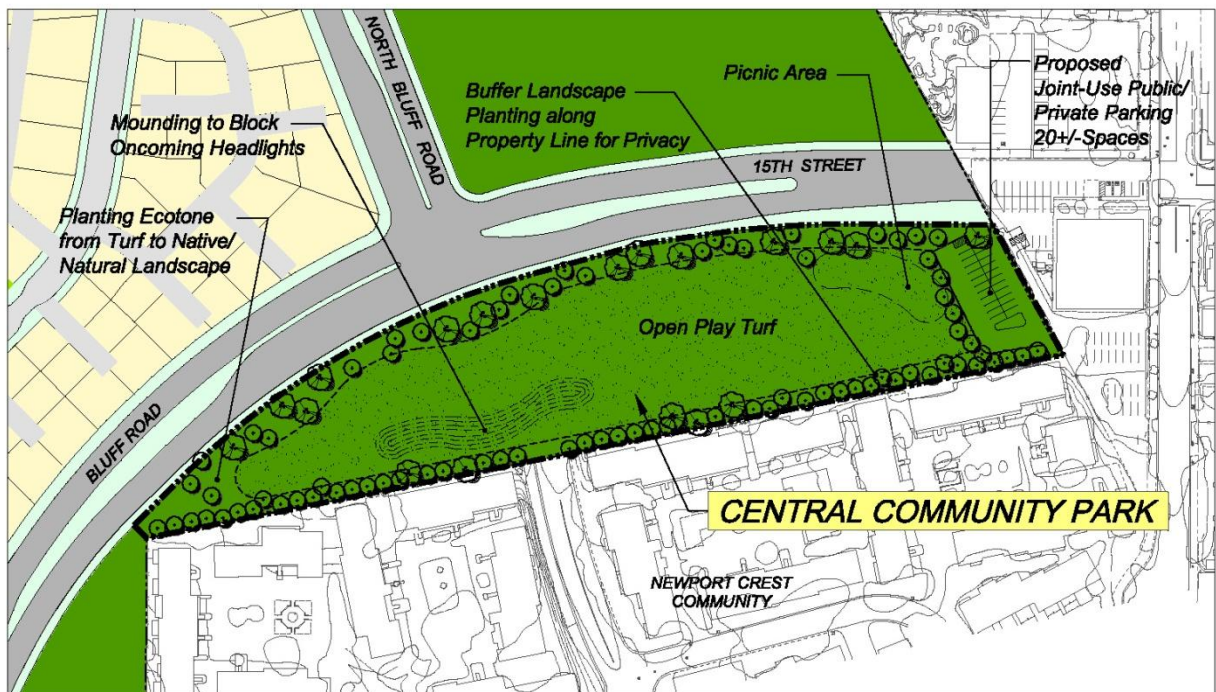


Exhibit 3-4
Parklands
Project Development Plan

North Community Park



Central Community Park



NEWPORT BANNING RANCH

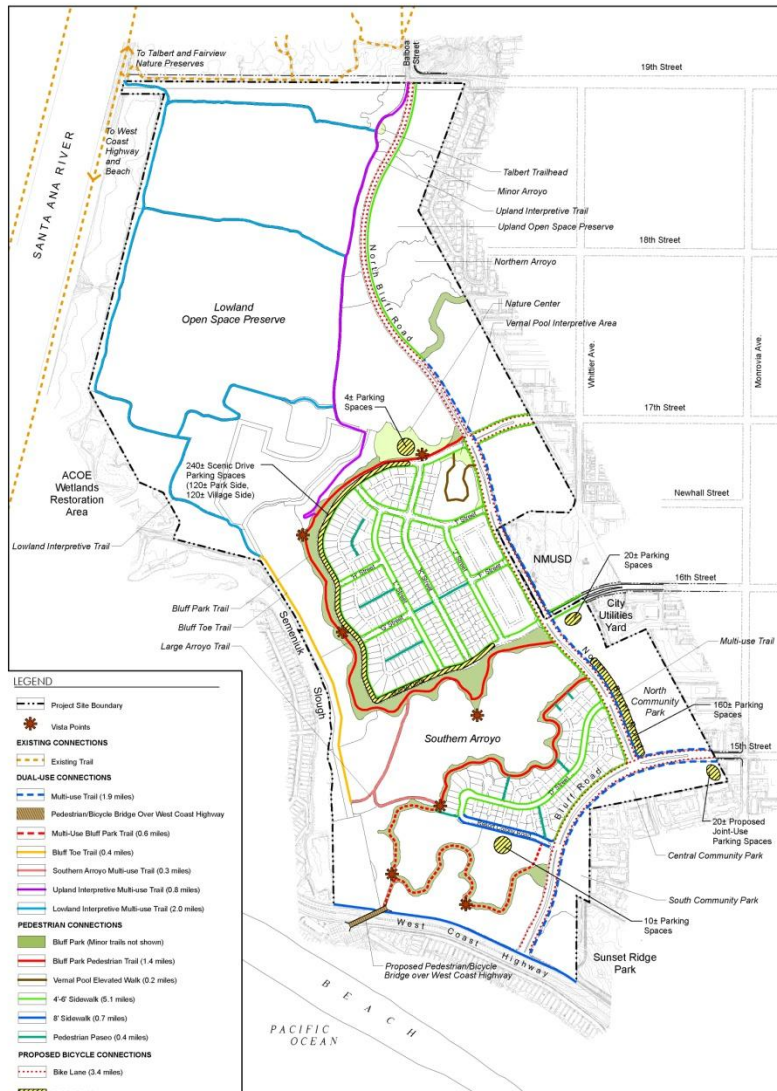
MASTER DEVELOPMENT PLAN
City of Newport Beach - California

Exhibit 3-6b
Central Community Park
Project Development Plan

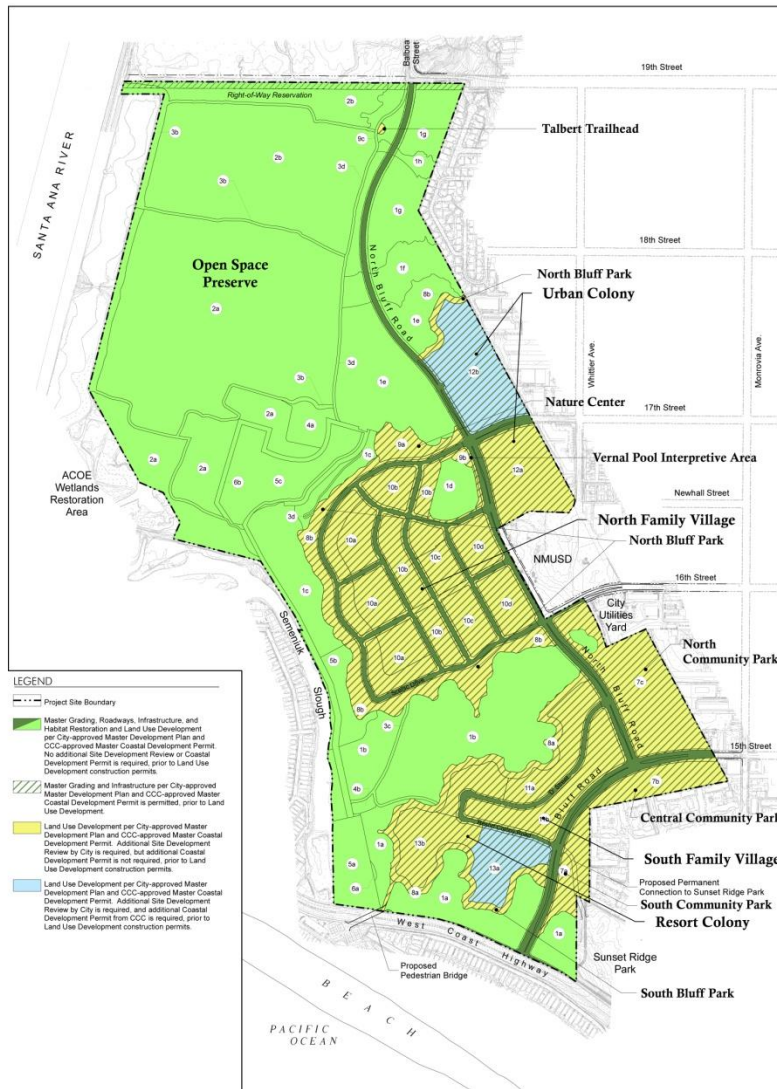
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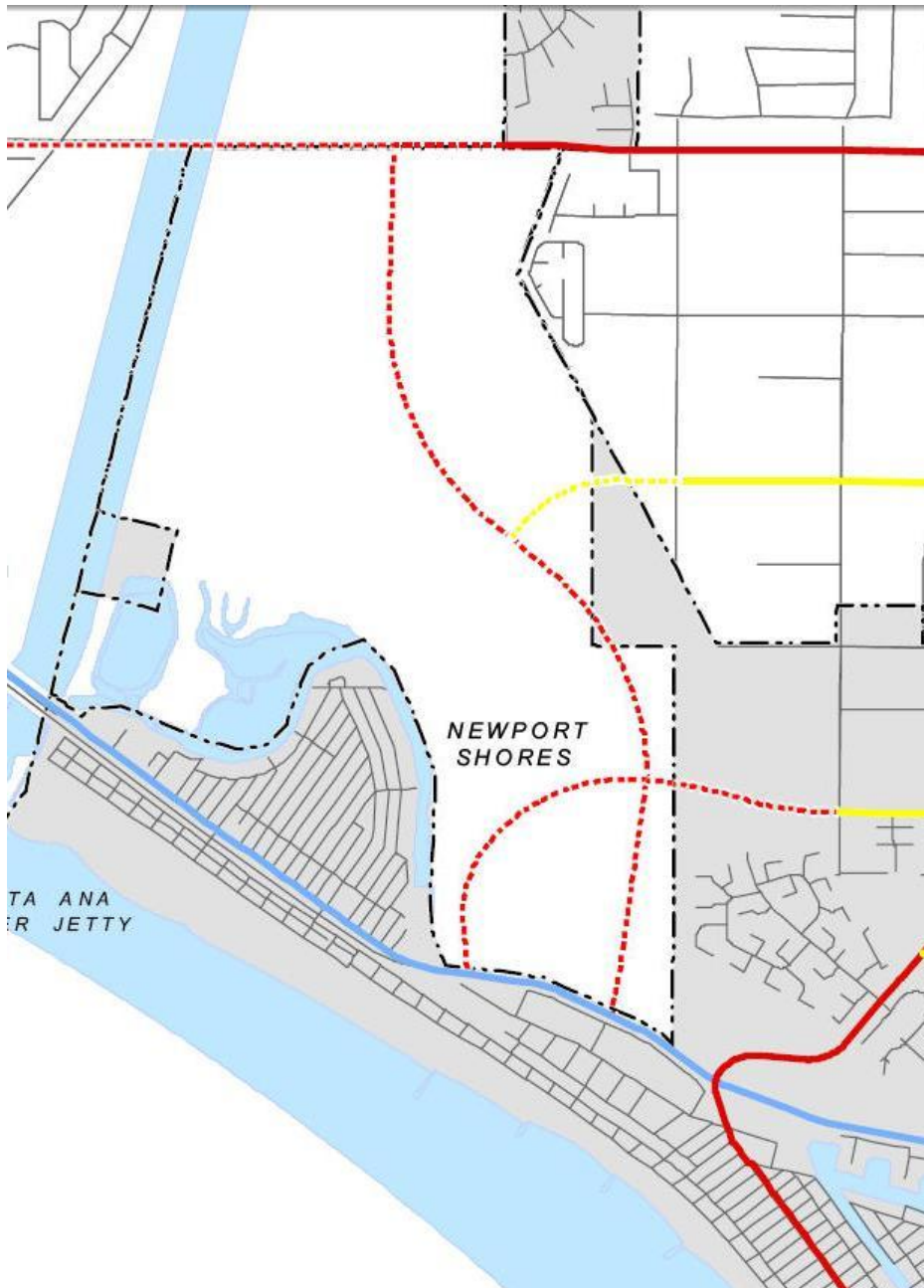
Public Access



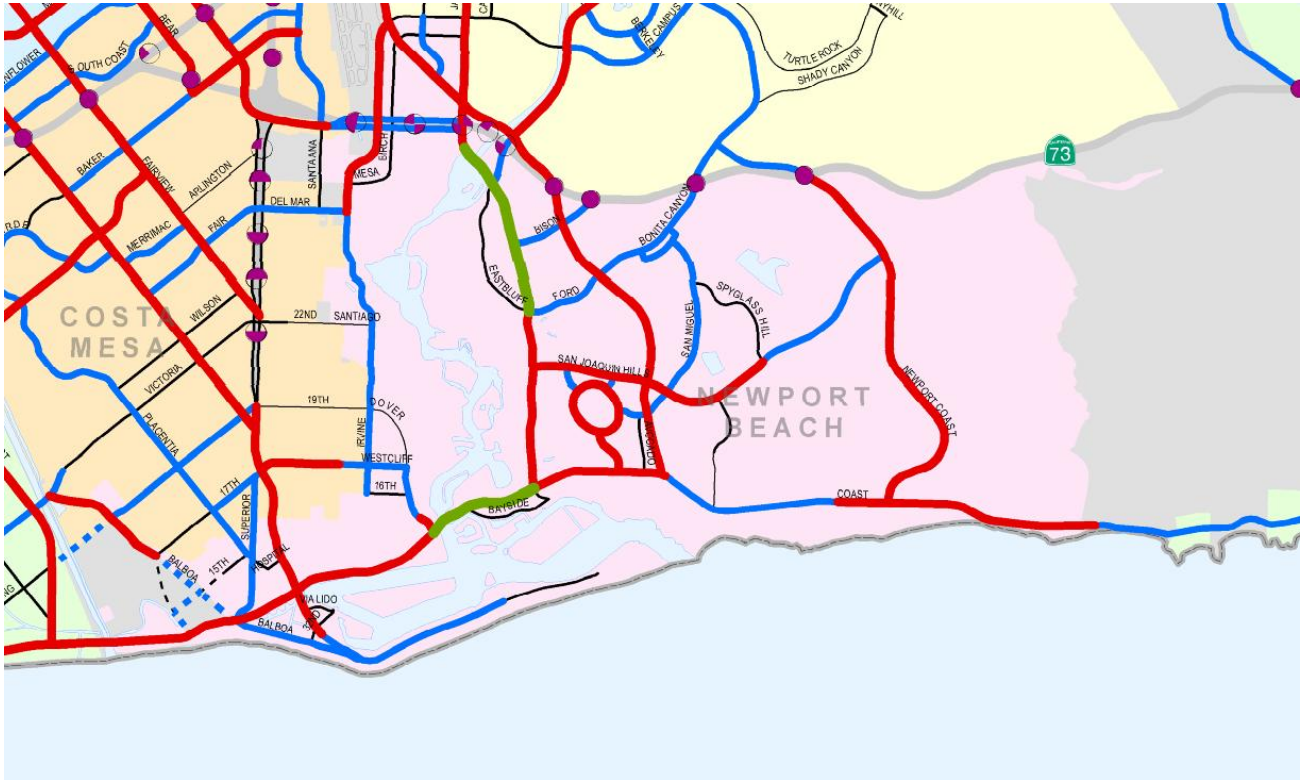
Subsequent Approvals



Master Plan of Streets and Highways



MPAH





POLLUTION OVER THE LAND



POLLUTION OVER THE LAND – ANOTHER VIEW



POLLUTION OVER THE OCEAN



PALOS VERDES OBSCURED BY POLLUTION



COMMUNITY COLLEGE UNDER CONSTRUCTION

To: City of Newport Beach Planning Commission

From: Norman J. Suker P.E.

Re: March 22, 2012 Public Hearing for the Newport Beach Banning Ranch Development DEIR

Dated: March 22, 2012

I object to the approval of the Newport Banning Ranch (NBR) project as proposed and request that all my comments be included in the records of any and all proceedings relating to the Newport Banning Ranch project or its successors.

1. I am a 25 year Newport Crest property owner and my townhouse abuts the Banning Ranch. My property has unobstructed ocean views from east of Catalina Island to Palos Verdes. This view had been protected by the Newport Beach General Plan Amendment 81-1 until the 2006 General Plan Update. I was not noticed or aware of this change. I only learned that the Amendment 81-1 had been omitted by the response to my DEIR comments for the Newport Banning Ranch. The proposed development will significantly impact my view. Please provide documentation that residents of Newport Crest were noticed regarding the elimination of Amendment 81-1.

2. Although I am currently licensed as a traffic engineer, civil engineer and real estate broker in the State of California and have been for about 40 years with experience in both the public (City Engineer and City Traffic Engineer) an private sectors, my comments are made as a private citizen.

3. OCTA has recently removed the 19th St Bridge from the Master Plan of Arterial Highways (MPAH). The City's General Plan Circulation Element needs to be amended to remove the 19th Street Bridge. Failure to remove the bridge will jeopardize Measure "M" funding. Since the DEIR is so voluminous, about 7,000 pages, the DEIR should be revised to eliminate all traffic analysis based upon the bridge being built. By removing the unnecessary traffic analysis, the DEIR pages will be reduced and made more understandable by the public.

4. In a telephone conversation with the Newport Beach City Traffic Engineer, I was informed that all traffic data collection and analysis in the City, including the NBR DEIR is performed in compliance with the City's Traffic Phasing Ordinance (TPO). In Appendix A of said Ordinance section 3.d.I states "The most current field counts for each Primary Intersection with counts taken on weekdays during the morning and evening Peak Hour Period between February 1 and May 31". The requirement for taking traffic counts only between February 1 and May 31 is not the industry standard, in fact it is the only agency that I am aware of that counts only in the said period. To be informative to the public, the DEIR should have a scenario of traffic analysis for the summer months in addition to the TPO months. It is obvious that traffic in the summer months, especially August and September, is much heavier that the TPO months. See Exhibit "A" attached from the Manual of Transportation Engineering Studies, 2nd Edition (latest edition) of the Institute of Transportation Engineers (ITE) shows an example of traffic at various times. I am a Life Fellow of ITE.

5. My November 8, 2011 comments regarding the Banning Ranch DEIR and the response to my comments are as follows:

Comment

Why has the 15th street Road connection to West Coast Highway been eliminated in the present plan since the impact of removing this road is to increase traffic next to our homes?

Response 1

The need for a second connection to West Coast Highway through the Project site (via the extension of 15th Street west of Bluff Road to West Coast Highway) was first studied as part of the City of Newport Beach General Plan Update, and was revisited as part of the Newport Banning Ranch Draft EIR. It was determined that the volume of traffic that would access West Coast Highway through the Project site (consisting of new traffic generated by the Project itself, plus traffic that would shift to Bluff Road from other existing roadways) could be accommodated by a single roadway connection

This response is non-responsive because it was based on the existence of the 19th Street bridge. The General Plan and the MPAH shows both roadways, 17th and Bluff Road connecting to West Pacific Coast highway. An alternative scenario of using only 15th (17th) street should be performed if only one roadway is necessary. This alternative roadway would be far west of Newport Crest and would have little impact of noise and lighting. This alternative roadway would provide for a better traffic signal spacing on West Pacific Coast highway (farther away from Superior Blvd). It would also eliminate the environmental issues that are associated with the proposed Bluff Road near West Pacific Coast highway.

6. An alternative scenario should also be conducted with the elimination of Bluff Road between 19th Street and Victoria St.. I had a recent conversation with Costa Mesa traffic staff who indicated that the City plans to request that this section of Bluff Road be removed from the MPAH (this section of roadway would be in the Talbert Park).

7. DEIR Exhibits 4.9-24 and 4.9-25 are the only graphics I found with roadway volumes and they assumed that the 19th St. Bridge was built. These exhibits need to be revised without the bridge showing TPO and summer traffic volumes. It is curious that Exhibit 4.9-24 shows a combined volume of (10,090 + 12,040) of 22,130 and Exhibit 4.9-25 shows Bluff Road with a volume of only 15,440. What happened to the other almost 7,000 vehicles?

8. The Project Trip Distribution Exhibit 4.9-7 needs to be revised to show the distribution without the 19th Street Bridge and Bluff Road north of 19th Street. The existing Exhibit 4.9-7 doesn't show any traffic from 19th Street to the SR55. This needs to be corrected.

9. Exhibit 4.9-21 indicates that the Bluff Road and West Pacific Coast highway intersection without the 19th Street Bridge would operate at LOS F in both the AM & PM. This would indicate that Bluff Road should not be built.

10. The proposed Bluff Road is planned to be about 20 feet from a Newport Crest home. Any

suggestion that double windows and air conditioning is a mitigation action is totally unreasonable. The owners of these homes which have existed for almost 30 years enjoyed the cool ocean breezes without the cost and noise of air-conditioning equipment. With energy costs rising, the electricity bill will only grow higher.

It is one thing for a developer to build next to an existing noisy roadway and include the double windows and air-conditioning. The buyers of his homes have a choice to buy or not. In the NBR example, the homes are there first and the builder wants to put a noisy roadway next to these homes. He has no authority to rehab the exiting homes and the only mitigation is to relocate the road away from the existing homes.

MANUAL OF TRANSPORTATION ENGINEERING STUDIES

2nd Edition

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Robert S. Foyle, P.E.

Institute of Transportation Engineers

EXHIBIT A-1

Exhibit 4-8. Illustrative Computation of Daily Variation Factors

Day	Average Yearly Volume for Day (veh./day)	Daily Factor
Monday	1,332	$1,429/1,332 = 1.07$
Tuesday	1,275	$1,429/1,275 = 1.12$
Wednesday	1,289	$1,429/1,289 = 1.11$
Thursday	1,300	$1,429/1,300 = 1.10$
Friday	1,406	$1,429/1,406 = 1.02$
Saturday	1,588	$1,429/1,588 = 0.90$
Sunday	1,820	$1,429/1,820 = 0.80$
TOTAL = 10,000 vehicles ADT = 1,429 veh./day		

Source: McShane and Roess, 1990, p. 100.

The computation of seasonal or monthly variation factors follows a similar procedure. The ADT for each month is the monthly volume from the permanent-count station divided by the number of days in the month. The AADT is then computed as the average of the 12 monthly ADTs. The monthly adjustment factors are obtained by dividing each monthly ADT by the AADT. Exhibit 4-9 illustrates the computation of monthly variation factors. Daily and seasonal factors can be computed in a similar way from control-count data. Since control counts are samples rather than continuous counts, the margin for error is greater. However, carefully planned control counts will produce reliable estimates. For further discussion, see Roess, Prassas and McShane (2004).

Exhibit 4-9. Illustrative Computation of Monthly Variation Factors

Month	Total Traffic (vehicles)	ADT for Month (veh./day)	Monthly Factors (AADT/ADT)
January	19,840	$19,840/31 = 640$	$797/640 = 1.25$
February	16,660	$16,660/28 = 595$	$797/595 = 1.34$
March	21,235	$21,235/31 = 685$	$797/685 = 1.16$
April	24,300	$24,300/30 = 810$	$797/810 = 0.98$
May	25,855	$25,855/31 = 835$	$797/835 = 0.95$
June	26,280	$26,280/30 = 876$	$797/876 = 0.91$
July	27,652	$27,652/31 = 892$	$797/892 = 0.89$
August	30,008	$30,008/31 = 968$	$797/968 = 0.82$
September	28,620	$28,620/30 = 954$	$797/954 = 0.84$
October	26,350	$26,350/31 = 850$	$797/850 = 0.94$
November	22,290	$22,290/30 = 743$	$797/743 = 1.07$
December	21,731	$21,731/31 = 701$	$797/701 = 1.14$
TOTAL = 290,851 vehicles AADT = $290,851/365 = 797$ vpd			

Source: McShane and Roess, 1990, p. 100.

EXHIBIT A-2